



Government of Bombay
Legal Department

Fourth Supplement
to
The Bombay Code

FIFTH EDITION, 1938

containing

the Acts and two Regulations made during the years 1941-44 by the Governor of Bombay in exercise of the powers vested in him under the Proclamation issued under section 93 of the Government of India Act, 1935, and two Regulations made by the Governor of Bombay during the said period under section 92 (2) of the same Act and a Chronological Table of the Enactments reproduced in this Supplement

BOMBAY
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PREFACE.

This supplement contains all the Acts made during the years 1941-44 by the Governor of Bombay in exercise of the powers vested in him under the Proclamation issued under section 93 of the Government of India Act, 1935, and also two Regulations made by the Governor of Bombay under section 92 (2) of the same Act. The arrangement adopted in this Supplement is the same as that in the First, Second and Third Supplements to the Bombay Code, Fifth Edition, 1938.

P. N. MOOS,

LEGAL DEPARTMENT,
1st December 1945,

CHRONOLOGICAL TABLE OF ACTS MADE BY THE GOVERNOR OF BOMBAY DURING THE YEARS 1941-44 IN EXERCISE OF THE POWERS OF THE BOMBAY LEGISLATURE VESTED IN HIM UNDER THE PROCLAMATION ISSUED UNDER SECTION 93 OF THE GOVERNMENT OF INDIA ACT, 1935, AND TWO REGULATIONS MADE BY THE GOVERNOR OF BOMBAY UNDER SECTION 92 (2) OF THE SAID ACT.

Acts.

Year.	No.	Short Title.	References to the Acts affected and to the Volume and page of the Bombay Code, 5th edition and Supplements thereto.	Page.
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1941	II	The Bombay Prevention of Gambling (Amendment) Act, 1941.	Bom. Act 4 of 1887, II, 515.	5
1941	III	The Bombay Local Authorities Census Expenses Contribution Act, 1941.	7
1941	IV	The Bombay Finance (Amendment) Act, 1941.	Bom. Act 2 of 1932, VI, 7.	11
1941	V	The Bombay Rent Restriction (Amendment) Act, 1941.	Bom. Act 16 of 1939, 2nd Supp., 81	17
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1941	VII	The Bombay Tenancy (Amendment) Act, 1941.	Bom. Act 29 of 1939, 2nd Supp., 205.	21
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1941	X	The Bombay Industrial Disputes (Amendment) Act, 1941.	Bom. Act 25 of 1938, 1st Supp., 153.	27
1941	XI	The Bombay (Emergency Powers) Whipping Act, 1941	Bom. Act 10 of 1933, VI, 143.	29
1941	XII	The Code of Criminal Procedure (Bombay Amendment) Act, 1941.	Act 5 of 1898.	33
1941	XIII	The Bombay District Police and the City of Bombay Police (Amendment) Act, 1941.	Bom. Act 4 of 1890, III, 451. Bom. Act 4 of 1902, IV, 163.	35

Year.	No.	Short Title.	References to the Acts affected and to the Volume and page of the Bombay Code, 5th edition and Supplements thereto.	Page.
1941	XIV	The Bombay Agricultural Pests and Diseases Act, 1941.	37
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1941	XVII	The Bombay Fodder and Grain Control (Amendment) Act, 1941.	Bom. Act 26 of 1939, 2nd Supp., 155.	51
1942	I	The City of Bombay Municipal (Amendment) Act, 1942.	Bom. Act 3 of 1888, III, 1. ...	53
1942	II	The Local Authorities Loans (Bombay Amendment) Act, 1942.	Act 9 of 1914. ...	55
1942	III	The City of Bombay Police (Amendment) Act, 1942.	Bom. Act 4 of 1902, IV, 163. ...	57
1942	IV	The Bombay Town Planning (Amendment) Act, 1942.	Bom. Act I of 1915, IV, 335. ...	59
1942	V	The Bombay Small Holders Relief (Amendment) Act, 1942.	Bom. Act 8 of 1938, 1st Supp., 43. ...	61
1942	VI	The Bombay Finance (Amendment) Act, 1942.	Bom. Act 2 of 1932, VI, 7. ...	63
1942	VII	The Bombay Rent Restriction (Amendment) Act, 1942.	Bom. Act 16 of 1939, 2nd Supp., 81.	65
1942	VIII	The City of Bombay Municipal (Second Amendment) Act, 1942.	Bom. Act 3 of 1888, III, 1. ...	67
1942	IX	The Bombay Motor Vehicles Tax (Amendment) Act, 1942.	Bom. Act 34 of 1935, VI, 243. ...	73
1942	X	The Indian Registration (Bombay Amendment) Act, 1942.	Act 16 of 1908. ...	75
1942	XI	The Bombay Civil Courts (Amendment) Act, 1942.	Act 14 of 1869, I, 95. ...	77
1942	XII	The Bombay Primary Education (Amendment) Act, 1942.	Bom. Act 4 of 1923, V, 11. ...	79
1942	XIII	The City of Bombay Municipal Corporation (Extension of Term) (Amendment) Act, 1942.	Bom. Act 1 of 1941 This Supp. p. 1: ...	Not printed.
1942	XIV	The Criminal Tribes (Bombay Amendment) Act, 1942.	Act 6 of 1924. ...	81

Year.	No.	Short Title.	References to the Acts affected and to the Volume and page of the Bombay Code, 5th edition and Supplements thereto.	Page.
1942	XV	The City of Bombay Municipal (Third Amendment) Act, 1942.	Bom. Act 3 of 1888, III, 1.	85
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1942	XVII	The Bombay Hindu Women's Rights to Property (Extension to Agricultural Land) Act, 1942.	Act 18 of 1937. Act 11 of 1938.	89
1942	XVIII	The Bombay Molasses Act, 1942	93
1942	XIX	The Bombay District Municipal, Local Boards and Municipal Boroughs (Amendment) Act, 1942.	1. Bom. Act 3 of 1901, IV, 5. 2. Bom. Act 6 of 1923, V, 23. 3. Bom. Act 18 of 1925, V, 221.	99
1942	XX	The Bombay Civil Courts (Second Amendment) Act, 1942.	Act 14 of 1889, I, 95.	101
1942	XXI	The Bombay Ferries (Amendment) Act, 1942.	Bom. Act 2 of 1868, II, 127.	103
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1942	XXV	The Coroners (Bombay Amendment) Act, 1942.	Act 4 of 1871.	121
1942	XXVI	The Bombay Small Holders Relief (Second Amendment) Act, 1942.	Bom. Act 8 of 1938, 1st Supp., 43	123
1942	XXVII	The Bombay Tenancy (Amendment) Act, 1942.	Bom. Act 29 of 1939, 2nd Supp., 205.	125
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1942	XXIX	The Bombay Co-operative Societies (Amendment) Act, 1942.	Bom. Act 7 of 1925, V, 177.	141
1942	XXX	The Bombay Cotton Control Act, 1942.	Bom. Act 35 of 1935, VI, 259.	143

Regulation.

1942	I	The Indian Post Office (Bombay Amendment) Regulation, 1942.	Act 6 of 1898.	151
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Year.	No.	Short Title	References to the Acts affected and to the Volume and page of the Bombay Code, 5th edition and Supplements thereto.	Page.
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1943		The City of Bombay Municipal (Amendment) Act, 1943.	Bom. Act 3 of 1888, III, 1. ...	159
1943	III	The Bombay Finance (Amendment) Act, 1943.	Bom. Act 2 of 1932, VI, 7. ...	163
1943	IV	The Bombay Rent Restriction (Amendment) Act, 1943.	Bom. Act 16 of 1939, 2nd Supp., 81...	165
1943	V	The Bombay Small Holders Relief (Amendment) Act, 1943.	Bom. Act 8 of 1938, 1st Supp., 43 ...	167
1943	VI	The City of Bombay Municipal (Second Amendment) Act, 1943.	Bom. Act 3 of 1888, III, 1. ...	169
1943	VII	The Bombay Prevention of Prostitution (Amendment) Act, 1943.	Bom. Act 11 of 1923, V, 107. ...	171
1943	VIII	The City of Bombay Municipal Corporation (Extension of Term) (Amendment) Act, 1943.	Bom. Act 1 of 1941. This Supp. page 1. ...	Not printed.
1943	IX	The Waste Lands (Claims) (Bombay Repeal) Act, 1943.	Act 23 of 1863 ...	173
1943	X	The Arnold Marriage Validating Act, 1943.	175
1943	XI	The Bombay Betting Tax (Amendment) Act, 1943.	Bom. Act 6 of 1925, V, 171. ...	177
1943	XII	The Bombay Weights and Measures (Amendment) Act, 1943.	Bom. Act 15 of 1932, VI, 47. ...	179
1943	XIII	The Bombay Entertainments Duty (Amendment) Act, 1943.	Bom. Act 1 of 1923, V, 1. ...	181
1943	XIV	The Bombay Increase of Stamp Duties Act, 1943.	II of 1899. ...	183
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1943	XVII	The Bombay Options in Cotton Prohibition (Amendment) Act, 1943.	Bom. Act 25 of 1939, 2nd Supp., 151. ...	193
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1944	II	The Bombay District Police (Amendment) Act, 1944.	Bom. Act 4 of 1890, III, 451.	... 203
1944	III	The Bombay Land Improvement Schemes (Amendment) Act, 1944.	Bom. Act 28 of 1942. This Supp. page 129.	... Not printed.
1944	IV	The Bombay Finance (Amendment) Act, 1944.	Bom. Act 2 of 1932, VI, 7.	... 05
1944	V	The Bombay Rent Restriction (Amendment) Act, 1944.	Bom. Act 16 of 1939, 2nd Supp., 81.	207
1944	VI	The Bombay Non-Urban Labour Housing, Sanitation and Provision Shops Act, 1944.	209
44	VII	The Bombay Rents, Hotel Rates and Lodging House Rates (Control) Act, 1944.	21
1944	VIII	The Bombay Growth of Foodcrops Act, 1944.	235
1944	IX	The City of Bombay Municipal Corporation (Extension of Term) (Amendment) Act, 1944.	Bom. Act I of 1941. This Supp. page 1.	... Not printed.
1944	X	The Mussalman Wakf, Bombay Public Trusts Registration and Parsi Public Trusts Registration (Amendment) Act, 1944.	1. Act 42 of 1923. 2. Bom. Act 25 of 1935, VI, 229. 3. Bom. Act 23 of 1936, VI, 295.	... 243
1944	XI	The Bombay University (Amend- ment) Act, 1944.	Bom. Act 4 of 1928, V, 389.	... 245
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1944	XIII	The City of Bombay Municipal (Post-War Reconstruction Fund) Act, 1944.	255
1944	XIV	The Bombay Rent Restriction (Second Amendment) Act, 1944.	Bom. Act 16 of 1939, 2nd Supp., 81.	261
1944	XV	The Bombay Rents, Hotel Rates and Lodging House Rates (Control) (Amendment) Act, 1944.	Bom. Act 7 of 1944. This Supp. page 219.	... Not printed.
1944	XVI	The Bombay Growth of Foodcrops (Amendment) Act, 1944.	Bom. Act 8 of 1944. This Supp. page 237.	... Not printed.

Year.	No.	Short Title.	References to the Acts affected and to the Volume and page of the Bombay Code, 5th edition and Supplements thereto.	Page.
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1944	XX	The Municipal Boroughs (Amendment) Act 1944.	Bom. Act 18 of 1925, V, 221.	... 271

**THE CITY OF BOMBAY MUNICIPAL CORPORATION
(EXTENSION OF TERM) ACT, 1941.**

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PREAMBLE.

Sections.

1. Short title and duration.
2. Extension of term of office of members of the Bombay Municipal Corporation.

BOMBAY ACT No. I OF 1941.

[THE CITY OF BOMBAY MUNICIPAL CORPORATION
(EXTENSION OF TERM) ACT, 1941.]

[18th January 1941.]

Amended by

Number of Act.	Year.
Bom. Act No. XIII	1942
Bom. Act No. VIII	1943
Bom. Act No. IX	1944

An Act to provide for the extension of the term of office of the members of the Bombay Municipal Corporation.

WHEREAS it is expedient to provide for the extension of the term of office of the members of the Municipal Corporation of the City of Bombay ;

26 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation, dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. (1) This Act may be called the City of Bombay Municipal Corporation (Extension of Term) Act, 1941. Short title
and duration.

(2) It shall remain in force up to and inclusive of the first day of April [1947].¹

Bom. III
of 1888.

2. Notwithstanding anything contained in section 7 or 9 of the City of Bombay Municipal Act, 1888, hereinafter called "the said Act", the term of office of the members of the Municipal Corporation of the City of Bombay which by reason of the provisions of either of the said sections would have expired at noon on the first day of April 1942 is hereby extended to noon on the first day of April [1947]² which day for the purposes of the said Act shall be deemed to be "the day of retirement" and no general elections shall be held or made to fill the vacancies of the said members on the expiry of the triennium in 1942, notwithstanding anything in the said Act contained. Extension
of term of
office of
members of
the Bombay
Municipal
Corporation.

¹ The figures "1947" were substituted for the figures "1945" by Bom. IX of 1944, s. 2; the figures "1945" were substituted for the figures "1944" by Bom. VIII of 1943, s. 2; and the figures "1944" were substituted for the figures "1943" by Bom. XIII of 1942, s. 2.

² The figures "1947" were substituted for the figures "1945" by Bom. IX of 1944, s. 3; the figures "1945" were substituted for the figures "1944" by Bom. VIII of 1943, s. 3; and the figures "1944" were substituted for the figures "1943" by Bom. XIII of 1942, s. 3.

BOMBAY ACT No. II OF 1941.

[THE BOMBAY PREVENTION OF GAMBLING (AMENDMENT)
ACT, 1941.]

[27th February 1941.]

An Act to amend the Bombay Prevention of Gambling Act, 1887.¹

Bom IV WHEREAS it is expedient to amend the Bombay Prevention
of 1887. of Gambling Act, 1887, for the purposes hereinafter
appearing;

25 Geo. 5, AND WHEREAS the Governor of Bombay has assumed to
Ch. 2. himself under the Proclamation dated the 4th November
1939 issued by him under section 93 of the Government of
India Act, 1935, all powers vested by or under the said Act
in the Provincial Legislature;

Now, THEREFORE, in exercise of the said powers, the
Governor of Bombay is pleased to make the following Act:—

1. This Act may be called the Bombay Prevention of **Short title.**
Gambling (Amendment) Act, 1941.

Bom. IV 2. In section 3 of the Bombay Prevention of Gambling **Amendment**
of 1887. Act, 1887, hereinafter called the said Act, in the last para- **of section 3**
graph, for the words commencing with the words “using or **of Bom. IV**
keeping such house” and ending with the words “otherwise **of 1887.**
howsoever” the following shall be substituted, namely:—

“or keeping such house, room or place or of the person
using such house, room or place whether he has a right to
use the same or not, such profit or gain being either by way
of a charge for the use of the instruments of gaming or of
the house, room or place or otherwise howsoever.”

3. In clause (a) of section 4 of the said Act, for the words
“being the owner or occupier or having the use of any house, **Amendment**
room or place, opens, keeps or uses the same”, the words **of section 4**
“opens, keeps or uses any house, room or place” shall be **of Bom. IV**
of 1887. substituted.

¹ See Bombay Code, Vol. II, p. 515.

**THE BOMBAY LOCAL AUTHORITIES CENSUS EXPENSES
CONTRIBUTION ACT, 1941.**

CONTENTS.

PREAMBLE.

Sections.

1. Short title and extent.
2. Definitions.
3. Contributions by municipalities and district local boards.
4. Rules.

BOMBAY ACT No. III OF 1941.

[THE BOMBAY LOCAL AUTHORITIES CENSUS EXPENSES CONTRIBUTION ACT, 1941.]

[12th March 1941.]

An Act to provide for contribution by local authorities to census expenses.

WHEREAS it is expedient to make provision for contribution by local authorities of a portion of the expenses to be incurred in connection with the taking of the census in British India during the year 1941 ;

And whereas the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

Now, therefore, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. (1) This Act may be called the Bombay Local Authorities Census Expenses Contribution Act, 1941. Short title
and extent.

(2) It extends to the whole of the Province of Bombay.

2. In this Act unless there is anything repugnant in the Definitions, subject or context—

(1) “ census ” means the census taken in British India during the year 1941 ;

(2) “ district ” means any area over which a district local board has authority under the Bombay Local Boards Act, 1923 ; and

(3) “ prescribed ” means prescribed by rules made under this Act.

3. (1) Notwithstanding anything contained in any law under which any municipality or district local board is constituted or established, the Provincial Government may direct that such portion as may be prescribed of the expenses incurred, whether before or after the commencement of this Act, in connection with the taking of the census within the limits of any municipality or district shall be charged to the funds of such municipality or to the local fund of such district :

Provided that the portion of such expenses which may be charged to the funds of the Municipal Corporation of the City of Bombay or of the Ahmedabad Borough Municipality shall not exceed one half :

Contributions
by muni-
cipalities and
district local
boards.

Bom.
VI of
1923.

10 *The Bombay Local Authorities Census [BOM. III OF 1941]
Expenses Contribution Act, 1941*

Provided further that the portion of such expenses which may be charged to the local fund of any district shall not exceed an amount calculated at Rs. 200 for each taluka or mahal within such district.

(2) The sum directed to be charged under sub-section (1) shall be computed and paid in the prescribed manner.

Rules.

4. (1) The Provincial Government may make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the portion of the expenses incurred in connection with the taking of the census which may be charged under this Act to the funds of any municipality or to the local fund of any district ; and

(b) the manner in which sums charged under this Act shall be computed and paid.

BOMBAY ACT No. IV OF 1941.

[THE BOMBAY FINANCE (AMENDMENT) ACT, 1941.]

[27th March 1941.]

An Act to amend the Bombay Finance Act, 1932.¹

WHEREAS it is expedient to amend the Bombay Finance Act, 1932, for the purposes hereinafter appearing ;

And Whereas the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 26 Geo. 1939 issued by him under section 93 of the Government of 5. c. 2. India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

Now, therefore, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. (1) This Act may be called the Bombay Finance Short title and commencement.
(Amendment) Act, 1941.

(2) It shall come into force on 31st March 1941.

Bom. II of 1932. 2. In sub-section (3) of section 2 of the Bombay Finance Amendment of section 2 of Bom. II of 1932.
Act, 1932 (hereinafter called "the said Act"), for the word "nine" the word "ten" shall be substituted.

3. In sub-section (5) of section 15 of the said Act,— Amendment of section 15 of Bom. II of 1932.
(1) after clause (e) the following new clause shall be inserted, namely :—

"(ee) in the entry in column 2 of Article 33 for the words 'as set forth in such instrument' the following shall be substituted, namely :—

'which is the subject-matter of the gift :

Provided that where an instrument of gift contains any provision for the revocation of the gift, the value of the property which is the subject-matter of the gift shall, for the purposes of duty, be determined as if no such provision were contained in the instrument. ' ;"

(2) after clause (f), the following new clause shall be added, namely :—

"(g) in the entry in column 2 of Article 58,—

(i) the words 'as set forth in such settlement' shall be deleted ; and

(ii) after the words 'eight annas' the following shall be inserted, namely :—

'Provided further that where an instrument of settlement contains any provision for the revocation

¹ See Bombay Code, Vol. VI, p. 7.

of the settlement, the amount or value of the property settled shall, for the purposes of duty, be determined as if no such provision were contained in the instrument.' ”

Amendment
of section 18
of Bom. II
of 1932.

4. In section 18 of the said Act,—

(1) in the entry in column 2 of Article 33, for the words “as set forth in such instrument”, the following shall be substituted, namely :—

“which is the subject-matter of the gift :

Provided that where an instrument of gift contains any provision for the revocation of the gift, the value of the property which is the subject-matter of the gift shall, for the purposes of duty, be determined as if no such provision were contained in the instrument ”.

(2) in the entry in column 2 of Article 58,—

(i) the words “as set forth in such settlement” wherever they occur shall be deleted ; and

(ii) after the words “shall not exceed one rupee” the following shall be inserted, namely :—

“Provided further that where an instrument of settlement contains any provision for the revocation of the settlement, the amount or value of the property settled shall, for the purposes of duty, be determined as if no such provision were contained in the instrument.”

Amendment
of section 22
of Bom. II
of 1932.

5. (1) In section 22 of the said Act for the word “ten” the word “eight” and for the word “five” the word “four” shall, respectively, be substituted.

(2) Nothing contained in this section shall affect the liability of any person to pay the Urban Immoveable Property tax in respect of any building or land or portion thereof for any period prior to the date of the coming into force of this Act at the rate at which it was leviable before such date.

Amendment
of section 27
of Bom. II
of 1932.

6. (1) In section 27 of the said Act, for sub-section (1) the following shall be substituted, namely :—

“(1) When any building or land assessed to Urban Immoveable Property tax is situated in the City of Bombay—

(a) if a drawback of the property tax is sanctioned in respect of such building or land under section 153 of the City of Bombay Municipal Act, 1888, on or after 1st October 1939, or

(b) if a refund of the property tax is sanctioned in respect of such building or land or any portion thereof under section 175 of the City of Bombay Municipal Act, 1888, on or after 1st October 1939, or

Bom.
III of
1888.

Bom.
III of
1888.

Bom.
III of
1888.

(c) if such building or any portion thereof is demolished or removed, otherwise than by order of the Municipal Commissioner for the City of Bombay on or after 1st April 1939 and notice in respect of such demolition or removal has been given to the Commissioner under section 153 of the City of Bombay Municipal Act, 1888, the Municipal Corporation of the City of Bombay shall remit or refund such portion of the Urban Immoveable Property tax, in such manner and subject to such conditions as may be prescribed.

Bom.
III of
1901.

Bom.
XVIII
of
1925.

(1A) When any building or land assessed to Urban Immoveable Property tax is situated in any Municipal area other than the City of Bombay, if a remission or refund of the property tax is granted in respect of such building or land under sub-section (2) of section 69 of the Bombay District Municipal Act, 1901, or sub-section (2) of section 86 of the Bombay Municipal Boroughs Act, 1925, as the case may be, the Municipality concerned shall remit or refund such portion of the Urban Immoveable Property tax, in such manner and subject to such conditions as may be prescribed.

II of
1924.

(1B) When any building or land assessed to Urban Immoveable Property tax is situated in the Cantonment of Ahmedabad, if a remission or refund of the property tax is granted in respect of such building or land under section 75, 76 or 77 of the Cantonments Act, 1924, the Collector of Ahmedabad shall remit or refund such portion of the Urban Immoveable Property tax, in such manner and subject to such conditions as may be prescribed."

(2) The amendments made by this section in section 27 of the said Act shall be deemed to have been made and to have taken effect from the 1st day of April 1939.

Amendments
to have
retrospective
effect.

(3) Notwithstanding anything contained in section 27 of the said Act as amended by this section, no claim for remission or refund of any portion of the Urban Immoveable Property tax, levied in respect of any building or land for any period prior to the date of the coming into force of this Act, shall be admitted, if remission or a refund of a portion of such tax levied for such period has been granted before such date.

Claims for
remission or
refund of the
tax for any
period before
the com-
mencement
of this section
not to be
admitted if
a refund of
the tax for
such period
has been
already
granted.

7. After section 28 of the said Act, the following new section shall be inserted, namely :—

Insertion of
new section
28A in Bom.
II of 1932.

"28A. (1) The provisions of this Part shall continue to extend to any area specified in clause (iv) of section 20 notwithstanding such area ceasing to be a notified area, and being declared to be a municipal district under section 4

Application
of Part VI to
certain areas
subject to
certain modi-
fications.

of the Bombay District Municipal Act, 1901, or a village under section 4 of the Bombay Village Panchayats Act, 1933.

Bom.
III of
1901.
Bom.
VI of
1933.

(2) If such area is declared to be a municipal district, the provisions of this Part shall, after such declaration, apply to such area in such manner as they apply to any municipal area specified in clause (iii) of the said section 20.

(3) If such area is declared to be a village under section 4 of the Bombay Village Panchayats Act, 1933, the provisions of this Part shall after such declaration apply to such area subject to the following modifications :—

Bom.
VI of
1933.

(i) in section 21—

(1) after sub-clause (b) in clause (1), the following new sub-clause shall be inserted, namely :—

‘ (bb) in villages the annual letting value determined in the manner prescribed ; ’

(2) in clause (2)—

(a) after the word ‘ have ’ where it occurs for the first time the words ‘ in the municipal areas and in the area of the Cantonment of Ahmedabad ’ shall be inserted ; and

(b) after the words ‘ as the case may be ’ the following shall be inserted, namely :—

‘ and in villages the same meanings as the words houses and lands have in the Bombay Village Panchayats Act, 1933. ’

Bom.
VI of
1933.

(3) after clause (5) the following new clause shall be inserted, namely :—

‘ (5A) “ Panchayat ” means a panchayat established under the Bombay Village Panchayats Act, 1933 ’ ; and

Bom.
VI of
1933.

(4) after clause (8) the following new clause shall be inserted, namely :—

‘ (9) “ Village ” means a village as defined in clause (16) of section 3 of the Bombay Village Panchayats Act, 1933 ’ ;

Bom.
VI of
1933.

(ii) in section 22 in the second proviso after the words ‘ Provided further that ’ the words ‘ in the municipal areas and in the area of the Cantonment of Ahmedabad ’ shall be inserted ;

(iii) in section 23 in clause (c) after the words ‘ local board ’ the words ‘ or a Panchaya ’ shall be inserted ;

(iv) in section 24—

(1) in sub-section (1) after clause (b) the following new clause shall be inserted, namely :—

‘ (c) in the areas within the limits of a village by the Collector or by such officer as he may authorize in this behalf.’ and

(2) in sub-section (2) in clause (b) after the word ‘ Ahmedabad ’ the words ‘ and in any area within the limits of a village ’ shall be inserted ;

(v) in section 24A in sub-section (1) for the words ‘ Collector of Ahmedabad ’ the words ‘ Collector concerned ’ shall be substituted ;

(vi) in section 27 after sub-section (1B) the following new sub-section shall be inserted, namely :—

‘ (1C) When any building or land assessed to Urban Immoveable Property tax is situated in any village, if a remission or refund of the tax, levied on the owner or occupier of such building or land under the Bombay Village Panchayats Act, 1933, is granted under the said Act or the rules made thereunder, the Collector concerned shall remit or refund such portion of the Urban Immoveable Property tax, in such manner and subject to such conditions as may be prescribed ’. ; and

(vii) in section 29 in sub-section (2), after the words ‘ following matters ’ the following new clause shall be inserted, namely :—

‘ (aa) the manner in which the annual letting value of buildings and lands in villages shall be determined ;’.

(4) If any portion of the Urban Immoveable Property tax due in respect of any building or land situate within any such notified area for any period prior to its ceasing to be a notified area has remained in arrears on the date on which such area ceased to be a notified area, such portion shall, notwithstanding anything contained in this Part or any law for the time being in force, be collected by the same authority by which and in the same manner in which such tax due in respect of the said building or land after such date may be collected.”

BOMBAY ACT No. V OF 1941.

[THE BOMBAY RENT RESTRICTION (AMENDMENT)
ACT, 1941.]

[27th March 1941.]

An Act to amend the Bombay Rent Restriction Act, 1939.¹

WHEREAS it is expedient to amend the Bombay Rent Restriction Act, 1939, for the purpose hereinafter appearing ;

And whereas the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

26
Geo.
5, Ch.
2.

Now, therefore, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. (1) This Act may be called the Bombay Rent Restriction (Amendment) Act, 1941. Short title
and com-
mencement.

(2) It shall come into force on 31st March 1941.

Bom. XVI of 1939. 2. In sub-section (3) of section 1 of the Bombay Rent Restriction Act, 1939, hereinafter called the said Act, for the figures " 1941 " the figures " 1942 " shall be substituted. Amendment
of section 1
of Bom XVI
of 1939.

3. After section 15 of the said Act, the following new section shall be inserted, namely :— Insertion
of a new
section 15A
in Bom. XVI
of 1939.

Bom. III of 1901. Bom. VI of 1933. " 15A. The provisions of this Act shall continue to extend to any area specified in clause (iv) of sub-section (2) of section 1 notwithstanding such area ceasing to be a notified area and being declared to be a municipal district under section 4 of the Bombay District Municipal Act, 1901, or a village under section 4 of the Bombay Village Panchayats Act, 1933." Application
of the Act to
certain noti-
fied areas
declared to
be municipal
districts or
villages.

¹ See 2nd Supplement to Bombay Code, p. 81.

BOMBAY ACT No. VI OF 1941.

[THE BOMBAY AGRICULTURAL DEBTORS RELIEF (AMENDMENT) ACT, 1941.]

[29th March 1941.]

An Act to amend the Bombay Agricultural Debtors Relief Act, 1939.¹

Bom.
XXVIII of
1939.

WHEREAS it is expedient to amend the Bombay Agricultural Debtors Relief Act, 1939, for the purposes hereinafter appearing ;

26 Geo.
5, Ch.
2.

And whereas the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

Now, therefore, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the Bombay Agricultural Debtors Relief (Amendment) Act, 1941. Short title.

Bom.
XXVIII
of 1939.

2. In section 1 of the Bombay Agricultural Debtors Relief Act, 1939, hereinafter called the said Act—

Amendment
of section
of Bom.
XXVIII
of 1939.

(a) in sub-section (2)—

(i) for the figures and word “ 17, 23, 32, 37 and 73 ” the figures, words and brackets “ 2, 3, 7, 17, 19, 20, 23, 25, 31, 32, sub-section (2) of section 33, 34, 37, 45, 47, 49, 53, 63, 65, 66, 73, 76, 77, 82 and 83 ” shall be substituted ; and

(ii) for the words commencing with the words “ and the rest of the Act ” and ending with the words “ island of Bombay ”, the words “ The Provincial Government may, by notification in the Official Gazette, extend all or any of the remaining provisions of this Act to such area other than the City of Bombay as may be specified in the notification.” shall be substituted ; and

(b) for sub-section (3) the following shall be substituted, namely :—

“(3) This section and sections 2, 3, 7, 17, 19, 20, 23, 25, 31, 32, sub-section (2) of section 33, 34, 37, 45, 47, 49, 53, 63, 65, 66, 73, 76, 77, 82 and 83 shall come into force at once. The Provincial Government may, by notification in the Official Gazette, direct that all or any of the remaining provisions of this Act shall come into force in any area to which the said provisions have been extended under sub-section (2) on such date as may be specified in the notification.”

¹ See 2nd Supplement to Bombay Code, p. 169.

Amendment
of section 22
of Bom.
XXVIII
of 1939.

3. In section 22 of the said Act—

(a) in clause (c) of sub-section (1) after the words “outside the Province” the words and figure “or in any local area for which a Board has not been established under section 4” shall be inserted; and

(b) in clause (c) of sub-section (2) after the words “outside the Province” the words and figure “or in any local area for which a Board has not been established under section 4” shall be inserted.

Amendment
of section 84
of Bom.
XXVIII of
1939.

4. In section 84 of the said Act—

(a) for the words “On the date on which this Act comes into force,” the words and figures “On the date on which a Board is established under section 4 for any local area, the provisions of sections 3 to 8 of” shall be substituted; and

(b) for the words “be deemed to have expired” the words “cease to have force in such area” shall be substituted.

Amendment
of section 85
of Bom.
XXVIII of
1939.

5. In section 85 of the said Act—

(a) for sub-section (1) the following shall be substituted, namely—

“(1) On the date on which a Board is established under section 4 for any local area (hereinafter referred to in this section as the aforesaid date) the Dekkhan Agriculturists' Relief Act, 1879, shall cease to have force in such area.”

XVII
of 1879.

(l) in sub-section (2)—

(i) for the words “date on which this Act comes into force” the words “aforesaid date” shall be substituted;

(ii) for the words “before such date”, the words “before the aforesaid date” shall be substituted; and

(iii) in the proviso, for the words “such repeal shall not” the words “nothing in this section shall” shall be substituted.

Amendment
of section 86
of Bom.
XXVIII of
1939.

6. In section 86 of the said Act—

(c) for the words “of the coming into force of this Act” the words and brackets “on which a Board is established for any local area (hereinafter referred to in this section as the aforesaid date)” shall be substituted;

(l) for the words and figures “notwithstanding its repeal by section 85 of this Act, be deemed to remain in force” the words and figures “notwithstanding anything contained in section 85 of this Act be deemed to remain in force in such area” shall be substituted;

(c) for the words “date of the coming into force of this Act” the words “aforesaid date” shall be substituted; and

(d) for the words “the coming into force of this Act” the words “the aforesaid date” shall be substituted.

BOMBAY ACT No. VII OF 1941.

[THE BOMBAY TENANCY (AMENDMENT) ACT, 1941.]

[29th March 1941.]

An Act to amend the Bombay Tenancy Act, 1939.¹Bom.
XXIX
of 1939.

WHEREAS it is expedient to amend the Bombay Tenancy Act, 1939, for the purposes hereinafter appearing;

23 Geo.
5, Ch. 2.

And whereas the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1925, all powers vested by or under the said Act in the Provincial Legislature;

Now, therefore, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act:—

1. (1) This Act may be called the Bombay Tenancy (Amendment) Act, 1941.

Short title
and con-
mencement.

(2) It shall come into force on 31st March 1941.

Bom.
XXIX of
1939.

2. In section 1 of the Bombay Tenancy Act, 1939, hereinafter called "the said Act", for sub-sections (2) and (3) the following shall be substituted, namely:—

Amendment
of section 1
of Bom.
XXIX of
1939.

"(2) This section extends to the whole of the Province of Bombay except the City of Bombay. The Provincial Government may, by notification in the Official Gazette, extend all or any of the remaining provisions of this Act to such area other than the City of Bombay as may be specified in the notification.

(3) This section shall come into force at once. The Provincial Government may, by notification in the Official Gazette, direct that all or any of the remaining provisions of this Act shall come into force in any area to which the said provisions have been extended under sub-section (2) on such date as may be specified in the notification."

3. In section 4 of the said Act,—

(a) in sub-section (1), for the words "this Act comes into force" the words "this section comes into force in the area in which the land is situated" shall be substituted;

Amendment
of section 4
of Bom.
XXIX of
1939.

(b) in sub-section (2)—

(i) for the words "this Act", where they occur for the first time, the words "this section in the area in which the land is situated" shall be substituted;

¹ See 2nd Supplement to Bombay Code, p. 205.

(ii) for the figures and words "31st day of May 1940" the figures and words "31st day of May immediately following the date of the coming into force of this section in the area in which the land is situated" shall be substituted; and

(iii) for the figures and words "1st day of June 1940" the figures and words "1st day of June immediately following the date of the coming into force of this section in the area in which the land is situated" shall be substituted.

Amendment of section 5 of Bom. XXIX of 1939. 4. In clause (a) of sub-section (2) of section 5 of the said Act, for the figures and words "31st day of March 1939 within four months from the date on which this Act comes into force" the figures and words "31st day of March of the year immediately preceding the year in which this section comes into force in the area in which the land is situated, within four months from the date of the coming into force of this section in such area" shall be substituted.

Amendment of section 19 of Bom. XXIX of 1939. 5. In sub-section (1) of section 19 of the said Act, for the words "before the coming into force of this Act planted or thereafter plants any trees on the land leased to him," the words "before the date of the coming into force of this section in the area in which the land leased to him is situated, planted or thereafter plants any trees on such land" shall be substituted.

Amendment of section 23 of Bom. XXIX of 1939. 6. In section 23 of the said Act, for the words "made after the coming into force of this Act" the words "situated in any area in which this section comes into force, made after the coming into force of this section in such area" shall be substituted.

Amendment of section 29 of Bom. XXIX of 1939. 7. In section 29 of the said Act—
(a) for the words "this Act comes into force", the words, figures and brackets "the provisions of sections 2 to 13 (both inclusive) of this Act come into force in any area" shall be substituted; and
(b) after the word "repealed" the words "in such area" shall be inserted.

BOMBAY ACT No. VIII OF 1941.

[THE BOMBAY SMALL HOLDERS RELIEF (AMENDMENT)
ACT, 1941.]

[29th March 1941.]

An Act to amend the Bombay Small Holders Relief
Act, 1938.¹Bom.
VIII of
1938.

WHEREAS it is expedient to amend the Bombay Small Holders Relief Act, 1938, for the purposes hereinafter appearing ;

26 Geo.
5, Ch. 2.

And whereas the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

Now, therefore, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. (1) This Act may be called the Bombay Small Holders Relief (Amendment) Act, 1941. Short title and commencement.

(2) It shall come into force on the 31st March 1941.

Bom. VIII
of 1938.

2. In sub-section (3) of section 1 of the Bombay Small Holders Relief Act, 1938, hereinafter called "the said Act," for the figures "1941" the figures "1942" shall be substituted. Amendment of section 1 of Bom. VIII of 1938.

3. In sub-section (2) of section 3 of the said Act, for the words "three years" where they occur at both the places, the words "four years" shall be substituted. Amendment of section 3 of Bom. VIII of 1938.

4. In sub-section (1) of section 4 of the said Act, for the figures "1941" the figures "1942" shall be substituted. Amendment of section 4 of Bom. VIII of 1938.

5. In sub-section (1) of section 9 of the said Act, for the figures "1940", where they occur at both the places, the figures "1941" shall be substituted. Amendment of section 9 of Bom. VIII of 1938.

6. In section 11 of the said Act, for the words commencing with the words "this Act remains in force" and ending with the words "has not been passed" the words "any of the provisions of this Act remain in force, but the enforcement of which has been stayed by any of the provisions of this Act, shall immediately on such provisions ceasing to have force revive and be enforceable as if such provisions had not come into force" shall be substituted. Amendment of section 11 of Bom. VIII of 1938.

¹ See 1st Supplement to Bombay Code, p. 43.

BOMBAY ACT No. IX OF 1941.**[THE BOMBAY ABKARI (AMENDMENT) ACT, 1941.]****[26th April 1941.]****An Act to amend the Bombay Abkari Act, 1878.¹**

WHEREAS it is expedient to amend the Bombay Abkari
 Bom. V of Act, 1878, for the purpose hereinafter appearing;
 1878.

AND WHEREAS the Governor of Bombay has assumed to
 himself under the Proclamation dated the 4th November
 26 Geo. V, 1939 issued by him under section 93 of the Government of
 Ch. 2. India Act, 1935, all powers vested by or under the said Act
 in the Provincial Legislature;

Now, **THEREFORE**, in exercise of the said powers, the
 Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the Bombay Abkari **Short title,**
 (Amendment) Act, 1941.

Bom. V of 1878. 2. Part IX-B containing section 42-E and section 43-A **Repeal of**
 of the Bombay Abkari Act, 1878, shall be repealed. **Part IX-B**
and section
43 A of
Bom. V of
1878.

¹ See Bombay Code, Vol. II, p. 237.

BOMBAY ACT No. X OF 1941.

[THE BOMBAY INDUSTRIAL DISPUTES (AMENDMENT)
ACT, 1941.]

[29th May 1941.]

An Act to amend the Bombay Industrial Disputes Act, 1938.¹

Bom. XXV of 1938. WHEREAS it is expedient to amend the Bombay Industrial Disputes Act, 1938, for the purpose hereinafter appearing ;

26 Geo. 5, Ch. 2. AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the Bombay Industrial Disputes Short title. (Amendment) Act, 1941.

Bom. XXV of 1938. 2. After section 49 of the Bombay Industrial Disputes Act, 1938, hereinafter called the said Act, the following new section shall be inserted, namely :—

Insertion of new section 49A in Bom. XXV of 1938.

“49A. Notwithstanding anything hereinbefore Provincial Government may refer an industrial dispute to the Industrial Court, if it is satisfied that—

(1) a serious outbreak of disorder or a breach of the public peace is likely to occur, or

(2) serious or prolonged hardship to a large section of the community is likely to be caused by reason of the continuance of the industrial dispute ; or

(3) the industry concerned is likely to be seriously affected and the prospects and scope for employment curtailed as a result of the continuance of the industrial dispute.”

3. To clause (6) of section 53 of the said Act, the word, figures and letter “ or 49A ” shall be added.

Amendment of section 53 of Bom. XXV of 1938.

4. In sub-section (1) of section 62 of the said Act—

(1) in clause (f) the word “ or ” at the end shall be deleted ; and

Amendment of section 62 of Bom. XXV of 1938.

¹ See 1st Supplement to Bombay Code, p. 153.

(2) after clause (f) the following new clause shall be inserted, namely :—

“(ff) in cases where an industrial dispute has been referred to the arbitration of the Industrial Court under section 49A, before or until the date on which the arbitration proceedings are completed, or the date on which the award of the Industrial Court comes into operation, whichever is later; or”.

5. In sub-section (1) of section 63 of the said Act—

(1) in clause (e) the word “or” at the end shall be deleted; and

(2) after clause (e) the following new clause shall be inserted, namely :—

“(ee) in cases where an industrial dispute has been referred to the arbitration of the Industrial Court under section 49A, before or until the date on which the arbitration proceedings are completed or the date on which the award of the Industrial Court comes into operation, whichever is later; or”.

Amendment
of section 63
of Bom.
XV of
1938.

THE BOMBAY (EMERGENCY POWERS) WHIPPING ACT, 1941.

CONTENTS.

PREAMBLE.**Sections.**

1. Short title.
2. Extent and commencement.
3. Punishment of whipping for certain offences.
4. Repeal of Bom. X of 1933.

BOMBAY ACT No. XI OF 1941.

[THE BOMBAY (EMERGENCY POWERS) WHIPPING
ACT, 1941.]

[29th May 1941.]

**An Act to amend the law relating to the punishment of
whipping in the Province of Bombay.**

WHEREAS it is expedient to amend the law relating to the punishment of whipping in the Province of Bombay ;

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

28 Geo. 5,
Ch. 2.

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the Bombay (Emergency Short title. Powers) Whipping Act, 1941.

2. (1) This Act shall extend to the whole of the Province of Bombay. Extent and
commence-
ment.

(2) Section 1, this section and section 4 shall come into force at once. The Provincial Government may, by notification in the Official Gazette, direct that section 3 shall come into force in such area and from such date as may be specified in such notification.

IV of
1900.

3. In addition to the persons who may be punished with whipping under section 4 of the Whipping Act, 1909, whoever commits or abets the commission of any offence punishable under section 147, 148, 324, 325, 326, 435 or 436 of the Indian Penal Code may be punished with whipping in addition to any punishment to which he may be liable for such offence or for abetment of such offence under the said Code. Punishment
of whipping
for certain
offences.

XIV of
1860.

Bom. X of
1933.

4. The Bombay (Emergency Powers) Whipping Act, 1933,¹ is repealed. Repeal of
Bom. X of
1933.

¹ See Bombay Code, Vol. VI, p. 143.

BOMBAY ACT No. XII OF 1941.

[THE CODE OF CRIMINAL PROCEDURE (BOMBAY
AMENDMENT) ACT, 1941.]

[19th June 1941.]

An Act to amend the Code of Criminal Procedure, 1898,¹ in its application to the Province of Bombay.

V of 1898. WHEREAS it is expedient to amend the Code of Criminal Procedure, 1898, in its application to the Province of Bombay for the purpose hereinafter appearing ;

26 Geo. 5,
Ch. 2. . . AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the Code of Criminal Procedure Short title.
(Bombay Amendment) Act, 1941.

V of 1898. 2. In sub-section (2) of section 162 of the Code of Criminal Amendment
Procedure, 1898, in its application to the Province of Bombay, of section
for the words, figures and brackets “ apply to any statement 162 of Act V
falling within the provisions of section 32, clause (1), of the of 1898.
Indian Evidence Act, 1872.” the following shall be
substituted, namely :—

“ affect the provisions of section 27 of the Indian
Evidence Act, 1872, or to apply to any statement falling
within the provisions of clause (1) of section 32 of that
Act.”

¹ Central Acts, Vol. 4.

BOMBAY ACT No. XIII OF 1941.¹

[THE BOMBAY DISTRICT POLICE AND THE CITY OF
BOMBAY POLICE (AMENDMENT) ACT, 1941.]

[2nd September 1941.]

An Act to amend the Bombay District Police Act, 1890,²
and the City of Bombay Police Act, 1902.³

Bom. IV
of 1890.
Bom. IV
of 1902.

WHEREAS it is expedient to amend the Bombay District Police Act, 1890, and the City of Bombay Police Act, 1902, for the purposes hereinafter appearing;

23 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act:—

1. This Act may be called the Bombay District Police and the City of Bombay Police (Amendment) Act, 1941.

Bom. IV of
1890.

2. After section 39A of the Bombay District Police Act, 1890, the following new section shall be inserted, namely:—

Insertion of
new section
39B in Bom.
IV of 1890.

“39B. The Magistrate of the district may, whenever in his opinion such action is necessary, authorise the Police to erect barriers on any street for the purpose of stopping temporarily vehicles driven on such street and satisfying themselves that the provisions of any law for the time being in force have not been contravened in respect of any such vehicle or by the driver of or the person in charge of such vehicle. The Magistrate of the district may also make such orders as he deems fit for regulating the use of such barriers.”

District
Magistrate
may au-
thorise
erection
of barriers
on streets.

Bom. IV of
1902.

3. After section 29A of the City of Bombay Police Act, 1902, the following new section shall be inserted, namely:—

Insertion of
new section
29B in Bom.
IV of 1902.

“29B. The Commissioner of Police may, whenever in his opinion such action is necessary, authorise the Police to erect barriers on any street for the purpose of stopping

Commissioner
of Police
may autho-
rise erection
of barriers
on streets.

¹ For Statement see *Bombay Government Gazette*, 1941, Part IV, p. 192.

² See *Bombay Code*, Vol. III, p. 451.

³ See *Bombay Code*, Vol. IV, p. 163.

temporarily vehicles driven on such street and satisfying themselves that the provisions of any law for the time being in force have not been contravened in respect of any such vehicle or by the driver of or the person in charge of such vehicle. The Commissioner of Police may also make such orders as he deems fit for regulating the use of such barriers."

THE BOMBAY AGRICULTURAL PESTS AND DISEASES ACT, 1941.

CONTENTS.

PREAMBLE.

Sections.

PART I.

Preliminary.

1. Short title and extent.
2. Definitions.

PART II.

Insect pests, plant diseases and noxious weeds.

3. Power to declare insect pests, plant diseases and noxious weeds and direct measures to eradicate or prevent them.
4. Duties of occupier on the issue of a notification under section 3.
5. Power of Inspector to enter upon any land or premises.
6. Notice to occupier to carry out preventive or remedial measures.
7. Failure to comply with notice under section 6 and power of Inspector to carry out measures.
8. Compensation for destruction of trees or plants.
9. Compensation for trees or plants destroyed by occupier.
10. Procedure for claims for compensation.
11. Award of Assessor ; Appeal.
12. Duty of certain village officers to report appearance of insect pest, plant disease or noxious weed.
13. Penalty.

PART III.

General.

14. Appointment of Inspectors and Assessors.
15. Bar of suit or other legal proceedings.
16. Delegation of powers.
17. Rules.

BOMBAY ACT No. XIV OF 1941.¹

[THE BOMBAY AGRICULTURAL PESTS AND
DISEASES ACT, 1941.]

[12th September 1941.]

**An Act to provide for the prevention of the introduction,
spread or re-appearance of insect pests, plant diseases
and noxious weeds injurious to crops, plants or
trees in the Province of Bombay.**

WHEREAS it is expedient to provide for the prevention of the introduction, spread or re-appearance of insect pests, plant diseases and noxious weeds injurious to crops, plants or trees in the Province of Bombay;

26 Geo.,
Ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act:—

PART I.—PRELIMINARY.

1. (1) This Act may be called the Bombay Agricultural Short title
and extent. Pests and Diseases Act, 1941.

(2) It extends to the whole of the Province of Bombay.

2. In this Act unless there is anything repugnant in the Definitions. subject or context—

(1) "Assessor" means an assessor appointed under section 14;

(2) "Insect pest" means any pest declared to be an insect pest by notification under section 3;

(3) "Inspector" means an inspector appointed under section 14;

(4) "Notified Area" means any area specified in the notification issued under section 3 in which a declaration made under the said section shall remain in force;

(5) "Noxious weed" means any weed declared to be a noxious weed by notification under section 3;

(6) "Occupier" means the person having for the time being the right of occupation of any land or premises, or his authorised agent or any person in actual occupation of the land or premises;

¹For Statement see *Bombay Government Gazette*, 1941, Part IV, pp. 201 and 202.

(7) "Pest" means any insect or other invertebrate animal;

(8) "Plant" includes the fruit, leaves, bark, cuttings and any living portion of a plant but does not include the seed;

Provided that the Provincial Government may by notification in the Official Gazette direct that the seed of any particular plant shall be included in the definition of plant.

(9) "Plant disease" means any fungoid, bacterial, parasitical or other disease declared to be a plant disease by notification under section 3;

(10) "Prescribed" means prescribed by rules made under section 17.

PART II.—INSECT PESTS, PLANT DISEASES AND NOXIOUS WEEDS.

Power to
declare insect
pests, plant
diseases and
noxious
weeds and
direct
measures to
eradicate or
prevent
them.

3. Whenever it appears to the Provincial Government that any pest, disease or weed is injurious to crops, plants or trees in any local area and that it is necessary to take measures to eradicate such pest, disease or weed, or to prevent its introduction, spread or re-appearance, the Provincial Government may, by notification in the Official Gazette,—

(i) declare that such pest, disease or weed is an insect pest, plant disease or noxious weed;

(ii) specify the local area within which and the period during which such declaration shall remain in force;

(iii) prohibit or restrict the removal of any plant or tree from one place to another, and

(iv) direct the carrying out of such preventive or remedial measures including the destruction of any pest, disease or noxious weed or any crops, plants or trees, as the Provincial Government may deem necessary, in order to eradicate such pest, disease or weed or to prevent its introduction, spread or re-appearance.

Duties of
occupier on
the issue of
a notification
under sec-
tion 3:

4. On the issue of a notification under section 3, every occupier within the notified area shall carry out the preventive or remedial measures mentioned in such notification.

Power of
Inspector to
enter upon
any land or
premises.

5. Any Inspector may, after giving the prescribed notice, enter upon any land or premises situated in a notified area for the purpose of ascertaining—

(i) whether there is any insect pest, plant disease or noxious weed on such land or premises; and

(ii) whether the preventive or remedial measures mentioned in the notification issued under section 3 have been carried out.

6. (1) If, on the inspection of any land or premises under section 5, the Inspector finds that there is any insect pest, plant disease or noxious weed on such land or premises or that the preventive or remedial measures mentioned in the notification issued under section 3 have not been carried out, the Inspector may, subject to the general or special orders of the Provincial Government, call upon the occupier of such land or premises, by notice in writing, to carry out such preventive or remedial measures within the time specified in such notice.

Notice to occupier to carry out preventive or remedial measures.

(2) Within seven days from the date of the service upon him of the notice under sub-section (1), the occupier may prefer an appeal to the Collector or such other officer as the Collector may appoint in this behalf.

(3) On receipt of the appeal under sub-section (2) the Collector or other officer, as the case may be, may extend the time specified in the notice under sub-section (1) and shall, after giving the occupier an opportunity of being heard, pass such order on the appeal as he thinks fit.

(4) Every order passed under sub-section (3) shall be final.

7. (i) If an occupier upon whom a notice has been served under sub-section (1) of section 6 does not comply with such notice within the time specified therein, or if an appeal has been preferred under sub-section (2) of section 6, does not comply with the order passed on such appeal, the Inspector may carry out the preventive or remedial measures mentioned in such notice or order.

Failure to comply with notice under section 6 and power of Inspector to carry out measures.

(2) The costs of any preventive or remedial measures carried out under sub-section (1) shall be payable by the occupier and shall be recoverable from him as an arrear of land revenue.

(3) Any such occupier may, within thirty days from the date of the first demand of such costs from him, prefer an appeal to the Collector or to such other officer as the Collector may appoint in this behalf on the ground that—

(i) the costs include charges for items other than the cost of labour, material or use of implements, or

(ii) the charges for labour or material or use of implements are unreasonably high.

(4) On receipt of the appeal under sub-section (3), the Collector or other officer, as the case may be, shall, after giving the occupier an opportunity of being heard, pass such order thereon as he thinks fit.

(5) Every order passed under sub-section (4) shall be final.

Compensation for destruction of trees or plants.

8. (1) If, in carrying out any preventive or remedial measures under sub-section (1) of section 7, the Inspector destroys or causes to be destroyed—

(a) any tree which is infected with an insect pest or a plant disease, or

(b) any plants some or all of which are infected with insect pest or plant disease and which are grown so closely together that it is not practicable to treat each plant individually, or

(c) any plants or trees, which though not infected at the time with an insect pest or a plant disease, are, in the opinion of the Inspector, liable to such infection,

the Inspector shall give notice to the occupier of the land or premises on which such trees or plants were grown stating particulars of the trees or plants destroyed and his estimate of their value.

(2) When any tree or plant is destroyed under sub-section (1), the occupier shall be entitled to compensation determined in the manner provided in section 11.

Compensation for trees or plants destroyed by occupier.

9. If an occupier in carrying out any preventive or remedial measures, directed to be carried out by the notification issued under section 3 or the notice given under sub-section (1) of section 6, destroys any tree or plant in accordance with such direction, he shall be entitled to such compensation as he would have been entitled to under section 8 if such tree or plant had been destroyed by the Inspector.

Procedure for claims for compensation.

10. Every claim for compensation shall be made in writing to the Assessor within one month from the date of—

(i) the notice given under sub-section (1) of section 8, if the claim is made under the said section, or

(ii) the destruction of the tree or plant, as the case may be, if the claim is made under section 9.

Award of Assessor; Appeal.

11. (1) On receipt of any claim under section 10, the Assessor shall, subject to the provisions of sub-section (2) and after making an enquiry in the prescribed manner and taking such evidence as he thinks fit, fix the amount of compensation due to the occupier under the provisions of this Act and make an award for such amount.

(2) The amount of compensation shall—

(a) for every destroyed tree of the kind referred to in clause (a) of sub-section (1) of section 8, not exceed one half of the value of the said tree;

(b) for every destroyed plant of the kind referred to in clause (b) of sub-section (1) of section 8, not exceed the three-fifths of its value; and

(c) for every destroyed plant or tree of the kind referred to in clause (c) of sub-section (1) of section 8, be its full value :

Provided that no compensation shall be payable for—

- (i) any noxious weed destroyed ;
- (ii) any cotton plant destroyed in order to eradicate or prevent the introduction or re-appearance of any insect pest or plant disease ;
- (iii) the destruction of trees and plants infected with any insect pest or plant disease which in the opinion of the Inspector contracted infection due to the negligence of the occupier in carrying out the preventive or remedial measures mentioned in the notification issued under section 3.

Explanation.—For the purposes of this section, value means the value of a tree or plant at the time of its destruction.

(3) If any amount is due from the occupier on account of costs incurred in carrying out the preventive or remedial measures under sub-section (1) of section 7, the whole or part of the amount of compensation awarded to him, as may be necessary, shall be set off against the amount of costs due from him.

(4) A copy of every award made by an Assessor shall be sent to the occupier to whom such compensation has been awarded and to the Inspector of the notified area concerned.

(5) The occupier or the Inspector, as the case may be, may, within 30 days from the date of receipt of a copy of the award under sub-section (4), prefer an appeal to the Collector against the award.

(6) On receipt of the appeal under sub-section (5), the Collector shall, after giving the occupier and the Inspector an opportunity of being heard, pass such order thereon as he thinks fit.

(7) Every order passed under sub-section (6) shall be final.

12. (1) If any insect pest, plant disease or noxious weed appears in any village adjoining a notified area, the village officers of such village shall forthwith report the fact to the Collector or such other officer as the Provincial Government may appoint in this behalf.

(2) The Collector or such other officer, as the case may be, shall on receipt of such report and after making such further inquiry as he may deem necessary forward it to the Provincial Government with his remarks thereon.

Duty of certain village officers to report appearance of insect pest, plant disease or noxious weed.

Penalty.

13. (1) Whoever removes any plant or tree in contravention of the directions contained in a notification issued under section 3 shall, on conviction, be punishable with fine which may extend to Rs. 25.

(2) Any occupier who fails to comply with a notice given under sub-section (1) of section 6 or with any order passed on appeal under sub-section (3) of section 6 shall, on conviction, be punishable with fine which may extend to Rs. 25.

(3) Whoever commits a breach of the provisions of any rule made under section 17 shall, on conviction, be punishable with fine which may extend to Rs. 25.

(4) Whenever any person is convicted under this Act, the Court may, in addition to the penalty imposed under this Act order the destruction of any plant or tree of the kind referred in clause (a), (b) or (c) of sub-section (1) of section 8.

PART III.—GENERAL.

Appointment
of Inspectors
and Assessors

14. The Provincial Government may, by notification in the Official Gazette, appoint persons as Inspectors and Assessors for such local areas as may be specified in the notification.

Bar of suit
or other legal
proceedings.

15. (1) No suit, prosecution or legal proceedings shall lie against any person in respect of anything in good faith done or intended to be done under this Act.

(2) No prosecution under this Act shall be commenced without the previous sanction of the Collector, nor after six months from the date of the commission of the alleged offence.

Delegation
of powers.

16. The powers conferred on the Provincial Government under this Act may, with the exception of the powers under sections 3 and 17, be delegated by the Provincial Government to any officer.

Rules.

17. (1) The Provincial Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may be made for all or any of the following purposes, namely :—

- (i) the manner of giving notice under section 5 ;
- (ii) the manner of making of an enquiry under sub-section (1) of section 11 ; and
- (iii) the mode of determining the value of trees and plants for the purposes of this Act.

(3) The rules made under this section shall, subject to the condition of previous publication, be published in the Official Gazette.

BOMBAY ACT No. XV OF 1941.¹

[THE BOMBAY ABKARI (SECOND AMENDMENT)
ACT, 1941.]

[22nd October 1941.]

An Act to amend the Bombay Abkari Act, 1878.²

Bom. V
of 1878.

WHEREAS it is expedient to amend the Bombay Abkari Act, 1878, for the purposes hereinafter appearing ;

26 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the Bombay Abkari (Second Amendment) Act, 1941. Short title.

Bom. V
of 1878.

2. In section 4 of the Bombay Abkari Act, 1878 (hereinafter called the said Act) for the words "Subject to the control and direction of the Commissioner and the orders of the Provincial Government" the words, figure and letter "Subject to such orders as the Provincial Government or the Commissioner may from time to time make under section 8A " shall be substituted. Amendment of section 4 of Bom. V of 1878.

3. In section 6 of the said Act, the words "subject to such orders as aforesaid" shall be deleted. Amendment of section 6 of Bom. V of 1878.

4. After section 8 of the said Act, the following new section shall be inserted, namely :— Insertion of new section 8A in Bom. V of 1878.

"(8A) All Abkari Officers shall exercise the powers and perform the duties conferred and imposed on them by or under this Act in accordance with such orders as in the case of the Commissioner, the Provincial Government and in the case of other Abkari Officers, the Provincial Government or the Commissioner, may from time to time make." The Commissioner and other Abkari Officers to act subject to orders of Government.

5. In sub-section (I) of section 16 and section 18A of the said Act, the words "or pass" shall be deleted. Amendment of sections 16 and 18A of Bom. V of 1878.

6. In section 19A of the said Act the words "acting under the general or special orders of the Provincial Government" shall be deleted. Amendment of section 19A of Bom. V of 1878.

¹For Statement see *Bombay Government Gazette*, 1941, Part IV, pp. 209 and 210.

²See Bombay Code, Vol. II, p. 237.

Amendment
of section 25
of Bom. V
of 1878.

7. In section 25 of the said Act, the words "acting under the general orders of the Provincial Government" shall be deleted.

Insertion of
new section
60A in
Bom. V
of 1878.

8. After section 60 of the said Act, the following new section shall be inserted, namely :—

Revision.

"60A. The Provincial Government may call for and examine the record of any proceedings before any Abkari Officer for the purpose of satisfying itself as to the correctness, legality or propriety of any order passed in and as to the regularity of such proceedings, and may either annul, reverse, modify or confirm such order or pass such other order as it may deem fit."

Insertion of
new section
64A in Bom.
V of 1878.

9. After section 64 of the said Act, the following new section shall be inserted, namely :—

Power of
Provincial
Government
to issue
orders in all
matters
pertaining to
licenses.

"64A. Notwithstanding anything contained in this Act or the rules made under this Act, it shall be lawful and shall be deemed always to have been lawful, for the Provincial Government, by general or special order, to

(a) prohibit the grant of any kind of licenses throughout the province or in any area ;

(b) prescribe the maximum number of licenses of any kind which may be granted in any area ;

(c) prescribe the number of shops at which any intoxicant specified in such order or hemp may be sold in any area, the places where such shops may be situated, the days and hours during which such shops may or may not be kept open, the number of such shops in respect of which licenses for sale may be granted and the number of such shops which may be managed by the Excise Department ;

(d) direct that no licenses of the kind specified in such order shall be granted without the previous approval of the Provincial Government ;

(e) prescribe the maximum quantity of any intoxicant or hemp which may be sold in any area or at any shop ;

(f) prescribe the maximum number of toddy-producing trees for tapping which or for drawing toddy from which a license may be granted under section 14 ;

(g) prescribe the procedure to be followed before granting any license ;

(h) direct that before granting licenses auctions may be held, tenders called for or offers received and that licenses shall be granted to persons whose bids, tenders or offers are acceded to by the Collector ;

(i) specify the persons or class of persons to whom licenses may or may not be granted; and in cases in which auctions are held under clause (h), the persons or class of persons who may or may not be permitted to offer bids at such auctions;

(j) direct that licenses of the kind specified in such order shall be granted to persons specified in such order; and

(k) issue such other instructions in any matter pertaining to the grant or otherwise of licenses under this Act as the Provincial Government may deem proper.

Explanation.—In this section the word ‘shop’ means any place where any intoxicant or homp is sold.”

10. The amendments made in the said Act by the Bom. VI of 1940. Bombay Abkari (Amendment) Act, 1940, and by this Act Amendments made by Bom. VI of 1940 and this Act to have effect in respect of dangerous drugs. shall have effect in respect of all intoxicants as defined in the said Act, including such intoxicants as are dangerous drugs.

11. Nothing in this Act shall affect any suit or proceeding Savings. instituted prior to the date of the coming into force of this Act,

BOMBAY ACT No. XVI OF 1941.¹

[THE BOMBAY INDUSTRIAL DISPUTES (SECOND
AMENDMENT) ACT, 1941.]

[4th November 1941.]

An Act to amend the Bombay Industrial Disputes
Act, 1938.²

Bom XXV
of 1938.

WHEREAS it is expedient to amend the Bombay Industrial Disputes Act, 1938, for the purposes hereinafter appearing ;

26 Geo. 5,
Cl. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the Bombay Industrial Disputes Short title.
(Second Amendment) Act, 1941.

Bom. XXV
of 1938.

2. In sub-section (1) of section 28 of the Bombay Industrial Disputes Act, 1938 (hereinafter called the said Act), after the word "change" where it occurs for the first time, the following shall be inserted, namely :—

XXV of
1934.

" , not being a change the effecting of which has, for the purposes of the Factories Act, 1934, become lawful by reason of a notification issued under section 8 thereof,".

3. In sub-section (1) of section 73 of the said Act, after the word "change" the following shall be inserted, namely :—

XXV of
1934.

" , not being a change the effecting of which has, for the purposes of the Factories Act, 1934, become lawful by reason of a notification issued under section 8 thereof,".

¹For Statement see *Bombay Government Gazette*, 1941, Part IV, p. 213.

²See 1st Supplement to Bombay Code, p. 153.

BOMBAY ACT No. XVII OF 1941.¹

[THE BOMBAY FODDER AND GRAIN CONTROL
(AMENDMENT) ACT, 1941.]

[1st December 1941.]

An Act to amend the Bombay Fodder and Grain
Control Act, 1939.²

Bom.
XXVI of
1939.

WHEREAS it is expedient to amend the Bombay Fodder and Grain Control Act, 1939, for the purpose hereinafter appearing ;

28 Geo.
Cb. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 5, 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the Bombay Fodder and Grain Control (Amendment) Act, 1941. Short title.

Bom.
XXVI of
1939.

2. In sub-section (2) of section 5 of the Bombay Fodder and Grain Control Act, 1939— Amendment of section 5 of Bom. XXVI of 1939.

(a) after the word “remove” the words “or attempt to remove” shall be inserted ; and

(b) for the words, brackets and figure “without permission in the manner provided in sub-section (1)”, the words, brackets and figure “without obtaining permission in the manner provided in sub-section (1) for the removal of such fodder or grain” shall be substituted.

¹For Statement see *Bombay Government Gazette* 1941, Part IV, pp. 215 and 216.

²See 2nd Supplement to Bombay Code, p. 155.

BOMBAY ACT No. I OF 1942.¹

[THE CITY OF BOMBAY MUNICIPAL (AMENDMENT)
ACT, 1942.]

[2nd February 1942.]

An Act to amend the City of Bombay Municipal Act, 1888.²

Bom.
III of
1888.

WHEREAS it is expedient to amend the City of Bombay Municipal Act, 1888, for the purpose hereinafter appearing;

26 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act:—

1. This Act may be called the City of Bombay Municipal Short title.
(Amendment) Act, 1942.

Bom.
III of
1888.

2. In section 212 of the City of Bombay Municipal Act, Amendment of section 212 of Bom. III of 1888.
1888, after the word “charge” the following shall be inserted, namely:—

“in the case of any building or land held immediately from the Crown, upon the interest in such building or land of the person liable for such taxes and upon the goods and chattels, if any, found within or upon such building or land and belonging to such person; and, in the case of any other building or land,”.

¹For Statement see *Bombay Government Gazette*, 1942, Part IV, pp. 19 and 20.

²See Bombay Code, Vol. III, p. 1.

BOMBAY ACT No. II OF 1942.¹

[THE LOCAL AUTHORITIES LOANS (BOMBAY
AMENDMENT) ACT, 1942.]

[17th February 1942.]

**An Act to amend the Local Authorities Loans Act, 1914,²
in its application to the Province of Bombay.**

IX of 1914. WHEREAS it is expedient to amend the Local Authorities
Loans Act, 1914, in its application to the Province of
Bombay;

26 Geo. 5,
Ch. 2. AND WHEREAS the Governor of Bombay has assumed to
himself under the Proclamation dated the 4th November
1939, issued by him under section 93 of the Government of
India Act, 1935, all powers vested by or under the said Act
in the Provincial Legislature;

NOW, THEREFORE, in exercise of the said powers, the
Governor of Bombay is pleased to make the following
Act :—

1. This Act may be called the Local Authorities Loans Short title.
(Bombay Amendment) Act, 1942.

IX of 1914. 2. After clause (b) of the proviso to section 7 of the Local ^{Amendment}
Authorities Loans Act, 1914, in its application to the of section 7
Province of Bombay, the following shall be inserted, of Act IX of
namely :— 1914.

“ or

Bom. VI of
1923. (c) to preclude any district local board established
under section 4 of the Bombay Local Boards Act, 1923,
from receiving an advance from the Government of
Bombay equivalent to the amount of the cess, levied under
sub-section (1) of section 93 of the said Act, which has
not been collected or the collection of which has been
suspended under sub-section (2) of the said section 93.”

¹For Statement see *Bombay Government Gazette*, 1942, Part IV, p. 25.

²Central Acts, Vol. VI.

BOMBAY ACT No. III OF 1942.¹

[THE CITY OF BOMBAY POLICE (AMENDMENT)
ACT, 1942.]

[6th March 1942.]

An Act to amend the City of Bombay Police Act, 1902.²

WHEREAS it is expedient to amend the City of Bombay Police Act, 1902, for the purpose hereinafter appearing;

Bom. IV of
1902.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature;

26 Geo. 5,
Ch. 2.

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act:—

1. This Act may be called the City of Bombay Police Short title.
(Amendment) Act, 1942.

2. For clause (a) of sub-section (2) of section 23 of the City of Bombay Police Act, 1902, hereinafter called the said Act, the following shall be substituted:—

Bom. IV of
1902.

Amendment
of section 23
of Bom. IV
of 1902.

“(a) the carrying in any public place of—

(i) swords, spears, bludgeons, guns, knives, sticks or lathis; or

(ii) any other weapon which is capable of being used as a weapon of offence;”

3. In section 113 of the said Act, for the words “or other offensive weapon”, the words “knife, stick, lathi or any other weapon which is capable of being used as a weapon of offence”, shall be substituted.

Amendment
of section 113
of Bom. IV
of 1902.

¹For Statement see *Bombay Government Gazette*, 1942, Part IV, pp. 27 and 28.

²See Bombay Code, Vol. IV, p. 163.

BOMBAY ACT No. IV OF 1942.¹

[THE BOMBAY TOWN PLANNING (AMENDMENT) ACT, 1942.]

[10th March 1942.]

An Act to amend the Bombay Town Planning Act, 1915.²

**Bom. I
of 1915.** WHEREAS it is expedient to amend the Bombay Town Planning Act, 1915, for the purposes hereinafter appearing ;

**26 Geo. 5,
Ch. 2.** AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the Bombay Town Planning Short title.
(Amendment) Act, 1942.

**Bom. I
of 1915.** 2. In the Bombay Town Planning Act, 1915, after section 51, the following new section shall be inserted, namely :— **Insertion
of new
section 51-A
in Bom. I
of 1915.**

**Bom. III
1901.
Bom. XVIII
of 1925.** “51-A. Where a municipality is superseded under sub-section (1) of section 179 of the Bombay District Municipal Act, 1901, or dissolved or superseded under sub-section (1) of section 219 of the Bombay Municipal Boroughs Act, 1925,— **Special
provision
in case of
a munici-
pality which
is superseded
or dissolved.**

**Bom. III
of 1901.
Bom. XVIII
of 1925.** (a) the person or persons appointed under clause (b) of sub-section (3) of the said section 179 of the Bombay District Municipal Act, 1901, or under clause (b) of sub-section (2) of the said section 219 of the Bombay Municipal Boroughs Act, 1925, as the case may be, shall be deemed to be a municipality within the meaning of section 2 (a) of this Act, and may exercise all the powers and perform all the duties of a local authority under this Act during the period of supersession or dissolution of such municipality ;

(b) in the event of a person or persons appointed as aforesaid exercising the powers and performing the duties of a local authority under this Act, any property which may under the provisions of this Act vest in the local authority exercising such powers and performing such duties, shall, during the period of supersession or dissolution of the municipality, vest in His Majesty ; and, such property shall, at the end of the said period, vest in such municipality as the Provincial Government may, by notification in the Official Gazette, direct.”

¹For Statement See *Bombay Government Gazette*, 1942, Part IV, p. 31.

²See *Bombay Code*, Vol. IV, p. 335.

BOMBAY ACT No. V OF 1942.¹

[THE BOMBAY SMALL HOLDERS RELIEF (AMENDMENT) ACT, 1942.]

[27th March 1942.]

An Act to amend the Bombay Small Holders Relief Act, 1938.²

WHEREAS it is expedient to amend the Bombay Small Holders Relief Act, 1938, for the purposes hereinafter appearing ;

Bom.
VIII
of
1938.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

26
Geo. 5,
Ch. 2.

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. (1) This Act may be called the Bombay Small Holders Relief (Amendment) Act, 1942.

Short title
and commen-
cement.

(2) It shall come into force on the 31st March 1942.

2. In sub-section (3) of section 1 of the Bombay Small Holders Relief Act, 1938, hereinafter called " the said Act ", for the figures " 1942 " the figures " 1943 " shall be substituted.

Bom.
VIII
of
1938.

Amendment
of section 1
of Bom. VIII
of 1938.

3. In sub-section (2) of section 3 of the said Act, for the words " four years " wherever they occur, the words " five years " shall be substituted.

Amendment
of section 3
of Bom. VIII
of 1938.

4. In sub-section (1) of section 4 of the said Act, for the figures " 1942 " the figures " 1943 " shall be substituted.

Amendment
of section 4
of Bom. VIII
of 1938.

5. In sub-section (1) of section 9 of the said Act, for the figures " 1941 " wherever they occur, the figures " 1942 " shall be substituted.

Amendment
of section 9
of Bom. VIII
of 1938.

¹For Statem nt see *Bombay Government Gazette*, 1942, Part IV, p. 83.

²See 1st Supplement to Bombay Code, p. 43.

BOMBAY ACT No. VI OF 1942.¹

[THE BOMBAY FINANCE (AMENDMENT), ACT 1942.]

[28th March 1942.]

An Act to amend the Bombay Finance Act, 1932.²

Bom. II
of 1932. WHEREAS it is expedient to amend the Bombay Finance Act, 1932, for the purposes hereinafter appearing ;

26 Geo. 5,
Ch. 2. AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. (1) This Act may be called the Bombay Finance (Amendment) Act, 1942. Short title
and com-
mencement.

(2) It shall come into force on 31st March 1942.

Bom. II of
1932 2. In sub-section (3) of section 2 of the Bombay Finance Act, 1932 (hereinafter called " the said Act "), for the word " ten " the word " eleven " shall be substituted. Amendment
of section 2
of Bom. II
of 1932.

3. In section 15 of the said Act, Amendment
of section 15
of Bom. II
of 1932.
(1) in sub-section (2A), in the proviso, for the words and figures " by a member of a stock exchange recognised under the Bombay Securities Contracts Control Act, 1925, to the clearing house of such stock exchange " the words and figures " to the clearing house of a stock exchange recognised under the Bombay Securities Contracts Control Act, 1925 " shall be substituted ;

Bom.
VIII of
1925.

Bom.
VIII of
1925.

(2) in sub-section (5), in clause (dd)—

(i) in Article 20A, the words " by a member of a recognised stock exchange on his own account or on account of any other person " and the words " by such member " shall be deleted ;

(ii) in the Explanation to the said Article 20A, the words " by the members " shall be deleted.

4. (1) In section 22 of the said Act, for the word " eight " the figures " 7½ " and for the word " four " the figures " 3½ " shall respectively be substituted. Amendment
of section 22
of Bom. II
of 1932.

¹For Statement See *Bombay Government Gazette*, 1942, Part IV, pp. 86 and 87.

²See Bombay Code, Vol. VI, p. 7.

BOMBAY ACT No. VII OF 1942.¹[THE BOMBAY RENT RESTRICTION (AMENDMENT)
ACT, 1942.]

[28th March 1942.]

An Act to amend the Bombay Rent Restriction Act, 1939.²

Bom. XVI
of 1939. WHEREAS it is expedient to amend the Bombay Rent Restriction Act, 1939, for the purpose hereinafter appearing;

26 Geo. 5,
Ch. 2. AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act:—

1. (1) This Act may be called the Bombay Rent Restriction (Amendment) Act, 1942. Short title
and com-
mencement.

(2) It shall come into force on 31st March 1942.

Bom. XVI
of 1939. 2. In sub-section (3) of section 1 of the Bombay Rent Restriction Act, 1939, for the figures "1942" the figures "1943" shall be substituted. Amendment
of section 1
of Bo. n. XVI
of 1939.

¹For Statement *See* *Bombay Government Gazette*, 1942, Part IV, p. 89.

²*See* 2nd Supplement to Bombay Code, p. 81.

[THE CITY OF BOMBAY MUNICIPAL (SECOND AMENDMENT)
ACT, 1942.]

[2nd April 1942.]

An Act to amend the City of Bombay Municipal
Act, 1888.¹Bom. III
of 1888.

WHEREAS it is expedient to amend the City of Bombay Municipal Act, 1888, for the purposes hereinafter appearing ;

26 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. (1) This Act may be called the City of Bombay Municipal (Second Amendment) Act, 1942. Short title
and com-
mencement.

(2) It shall come into force on such date as the Provincial Government may by notification in the Official Gazette appoint.

Bom. III
of 1888.

2. (1) Section 181 of the City of Bombay Municipal Act, 1888, hereinafter called "the said Act", shall be renumbered as sub-section (1) of the said section and in sub-section (2) so renumbered— Amendment
of section 181
of Bom. III
of 1888.

(i) for clause (d) the following shall be substituted, namely :—

"(d) any vehicle or animal exempted from municipal taxation under section 16 of the Indian Territorial Force Act, 1920, or section 34 of the Auxiliary Force Act, 1920 ;"

XLVIII
of 1920.
XLIX of
1920.

(ii) for clause (e) the following shall be substituted, namely :—

"(e) vehicles and animals vesting in His Majesty for purposes of the Central Government ;

(e-1) vehicles and animals, other than those specified in clause (e), vesting in His Majesty and used solely for public purposes and not used or intended to be used for purposes of profit ;

(e-2) vehicles and animals belonging to the Corporation ;"

(iii) to clause (g) the following proviso shall be added, namely :—

"Provided that a tax at the rate of rupees thirty shall be levied quarterly in advance from every dealer in motor vehicles for every seven motor vehicles in respect of which a Trade Certificate is issued to him under rules made under the Motor Vehicles Act, 1939."

IV of 1939.

¹For Statement see *Bombay Government Gazette*, 1942, Part IV, p. 168.

²See *Bombay C.de*, Vol. III, p. 1.

(2) After sub-section (1) of section 181 so renumbered, the following new sub-section (2) shall be inserted, namely :—

“(2) If any question arises under clause (e-1) of sub-section (1) whether any vehicle or animal belonging to His Majesty is or is not used solely for public purposes or is or is not used or intended to be used for purposes of profit, such question shall be determined by the Provincial Government, whose decision shall be final.”

Amendment
of section 182
of Bom. III
of 1888.

Persons
responsible
for the pay-
ment of the
t.x.

3. For section 182 of the said Act, the following shall be substituted, namely :—

“182. (1) The said tax shall be leviable from the owner of or person having possession or control of any vehicle or animal in respect of which the said tax is leviable.

(2) For the purposes of this section, the person in whose name a motor vehicle is for the time being registered under the Motor Vehicles Act, 1939, shall, until the contrary is proved, be presumed to be the owner or person in possession or control of such motor vehicle.” IV of 1939.

Deletion of
sections 183
and 184 of
Bom. III of
1888.

4. Sections 183 and 184 of the said Act shall be deleted.

Amendment
of section 185
of B. m. III
of 1888.

5. In section 185 of the said Act, for the words and figures “which such livery-stable-keeper or other person or dealer would otherwise be liable to pay under section 180” the words and figures “leviable under section 180 which such livery-stable-keeper or other person or dealer would otherwise be liable to pay” shall be substituted.

Amendment
of section 187
of Bom. III
of 1888.

6. In sub-section (1) of section 187 of the said Act,—

(a) for the words “the charge” where they occur for the first time, the words “possession or control” shall be substituted; and

(b) for the words “the charge” where they occur for the second and third times, the words “the possession or under the control” shall be substituted.

Amendment
of section 188
of Bom. III
of 1888.

Notice to be
given to
Commissioner
by a person
who becomes
owner or
possessed of
a vehicle or
animal in
respect of
which
liability
arises, etc.

7. For section 188 of the said Act, the following shall be substituted, namely :—

“188. (1) Every person who becomes the owner or obtains possession or control of any vehicle or animal in respect of which the said tax is leviable shall give notice in writing to the Commissioner within fifteen days after he has become the owner or has obtained possession or control of such vehicle or animal, of the fact that he has become the owner or has obtained possession or control of such vehicle or animal, as the case may be.

(2) Every person who ceases to own or have possession or control of any vehicle or animal in respect of which the said tax is leviable shall give notice in writing to the Commissioner of the fact that he has ceased to own or have possession or control of such vehicle or animal. Such person shall, in addition to any other penalty to which he may be liable, continue to be liable for the payment of the said tax leviable from time to time in respect of such vehicle or animal until he gives such notice :

Provided that nothing herein contained shall be held to diminish the liability to pay the said tax of the person who becomes the owner or obtains possession or control of such vehicle or animal or affect the prior claim of the Commissioner on such vehicle or animal for the recovery of any tax due in respect thereof."

8. In section 189 of the said Act,—

(1) after the word "stable" the word "garage" shall be inserted; and

(2) for the words "the charge" the words "the possession or under the control" shall be substituted.

Amendment of section 189 of Bom. III of 1888.

9. After section 189 of the said Act, the following new sections shall be inserted, namely :—

Insertion of new sections 190 and 191 in Bom. III of 1888.

"190. If the tax leviable on any vehicle or animal in respect of any quarter has been paid and if during such quarter such vehicle or animal ceases to be kept within the City, or is destroyed or is otherwise rendered permanently unfit for use or if such vehicle has been under repairs or if such animal has been kept in any institution for the reception of infirm or disused animals or is certified by a Veterinary Surgeon to have become unfit for use and has not been used, the person who paid the tax leviable on such vehicle or animal shall, subject to the provisions hereinafter contained, and on the Commissioner being satisfied in this behalf, be entitled to receive from the Commissioner, if the period in such quarter for which such vehicle or animal has not been kept in the City or has not been used, on account of such vehicle or animal being destroyed or rendered permanently unfit for use or on account of such vehicle being under repairs or such animal being kept in any institution for the reception of infirm or disused animals or such animal having been certified by a Veterinary Surgeon to have become unfit for use, is

Refund of tax on vehicles and animals when and to what extent obtainable.

(a) not less than eighty days, the full amount of the tax paid,

(b) not less than sixty days, two-thirds of the tax paid,

(e) not less than thirty days, one-third of the tax paid.

No refund of the tax shall be granted if such period is less than thirty days.

Refund not claimable unless notice is given to the Commissioner.

191. (1) No refund of the tax shall be claimable from the Commissioner under section 190 unless notice in writing of the occurrence of the circumstances giving rise to such claim or of the commencement of circumstances which may give rise to such claim has been given to the Commissioner by the person who paid the tax or his agent.

(2) If such notice is not received by the Commissioner within three days of the occurrence or commencement of the circumstances as aforesaid, the period previous to the date of the receipt of the notice shall be excluded in computing the period of eighty, sixty and thirty days referred to in section 190, for the purposes of granting any refund.

(3) It shall be in the discretion of the Commissioner to disallow any claim for refund of the tax, unless application claiming such refund is made to him in writing before the expiry of 15 days after the end of the quarter to which the claim relates and is accompanied by the bill presented to the applicant under section 200 for the amount of the tax from which the refund is claimed."

Amendment of section 198 of Rom. III of 1888.

10. In section 198 of the said Act—

(1) In sub-section (1),—

(a) after the word "animals" the following shall be inserted, namely:—

"(including the tax payable under the proviso to clause (g) of sub-section (1) of section 181)"; and

(b) for the words "payable quarterly in arrear" the words "paid quarterly in advance" shall be substituted;

(2) after sub-section (1) the following new sub-section shall be inserted, namely:—

"(1A) If in any quarter a vehicle or animal becomes liable to such tax, such tax shall be leviable thereon from the earliest day in the quarter on which such vehicle or animal so becomes liable and the amount of tax leviable for such quarter shall be, if such earliest day occurs—

(a) in the first month of such quarter, the whole tax for such quarter,

(b) in the second month of such quarter, two-thirds of the tax for such quarter,

(c) in the last month of such quarter, one-third of the tax for such quarter, provided that no tax shall be leviable for such quarter if such earliest day occurs within the last 10 days of such quarter."

11. To sub-section (2) of section 200 of the said Act, the following shall be added at the end, namely :—

Amendment
of section 200
of Bom. III
of 1888.

“Every such bill for the payment of tax on vehicles and animals shall have printed on the reverse side of the bill the provisions of sections 188 to 191.”

12. In sub-section (1) of section 203 of the said Act, after the words “the said premises” the following shall be added, namely :—

Amendment
of section 203
of Bom. III
of 1888.

“or, if the tax be due in respect of any vehicle or animal, by distress and sale of such vehicle or animal in whomsoever’s ownership, possession or control, the same may be.”

13. In section 204 of the said Act, after the words “any tax” the words “or the vehicles or animals in respect of which the tax is due” shall be inserted.

Amendment
of section 204
of Bom. III
of 1888.

14. In section 205 of the said Act—

Amendment
of section 205
of Bom. III
of 1888.

(a) after the word “chattels” at both places where it occurs the words “and vehicles or animals” shall be inserted; and

(b) after the word and letter “Schedule K.” the words “or in a similar form” shall be inserted.

15. In section 206 of the said Act, in sub-sections (1) and (2), after the word “chattels” the words “or vehicles or animals” shall be inserted.

Amendment
of section 206
of Bom. III
of 1888.

16. In section 210 of the said Act, the words “or who would be liable for any sum on account of the tax on vehicles and animals if the current quarter had come to a close,” occurring in sub-section (1) and the words “or about to become due” occurring in sub-section (1) and in sub-section (2) shall be deleted.

Amendment
of section 210
of Bom. III
of 1888.

[THE BOMBAY MOTOR VEHICLES TAX (AMENDMENT)
ACT, 1942.]

[10th April 1942]

An Act to amend the Bombay Motor Vehicles
Tax Act, 1935.²

WHEREAS it is expedient to amend the Bombay Motor Vehicles Tax Act, 1935, for the purpose hereinafter appearing;

Bom.
XXXIV
of 1935.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

26 Geo. 5,
Ch. 2.

NOW, THEREFORE, in exercise of the said powers the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the Bombay Motor Vehicles Short title. Tax (Amendment) Act, 1942.

2. In section 14 of the Bombay Motor Vehicles Tax Act, 1935—

Bom.
XXXV
of 1935.

Amendment
of section 14
of Bom.
XXXIV
of 1935.

(1) after the word “constructed” the words “, reconstructed or repaired” shall be inserted ; and

(2) after the word “construction” wherever it occurs, the words “, reconstruction or repairs, as the case may be,” shall be inserted.

¹ For Statement see *Bombay Government Gazette*, 1942, Part IV, pp. 110 and 111.

² See Bombay Code, Vol. VI, p. 243.

[THE INDIAN REGISTRATION (BOMBAY AMENDMENT)
ACT, 1942.]

[21st April 1942.]

**An Act to amend the Indian Registration Act, 1908,²
in its application to the Province of Bombay.**

XVI of 1908. WHEREAS it is expedient to amend the Indian Registration Act, 1908, in its application to the Province of Bombay, for the purpose hereinafter appearing :

26 Geo. 5, Ch. 2. AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the Indian Registration Short title.
(Bombay Amendment) Act, 1942.

XVI of 1908. 2. In section 28 of the Indian Registration Act, 1908, Amendment of section 28 of Act XVI of 1908.
in its application to the Province of Bombay, for the brackets, letters and word “ (c) and (ee) ” the brackets, letters and word “ (e), (ce) and (ee) ” shall be substituted.

¹ For Statement see *Bombay Government Gazette*, 1942, Part IV, pp. 153 and 154.

² Central Acts, Vol. V.

[THE BOMBAY CIVIL COURTS (AMENDMENT) ACT,
1942.]

[5th May 1942.]

An Act to amend the Bombay Civil Courts Act, 1869.²XIV of
1869.

WHEREAS it is expedient to amend the Bombay Civil Courts Act, 1869, for the purpose hereinafter appearing ;

26 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

Now, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the Bombay Civil Courts Short title.
(Amendment) Act, 1942.

XIV of
1869.

2. After section 12 of the Bombay Civil Courts Act, 1869, the following new section shall be inserted, namely :—

Insertion
of new
section 12A
in Act XIV
of 1869.

“ 12A. The Provincial Government may appoint the District Judge or the Assistant Judge in any district to be also a Joint Judge in another district. Such Joint Judge may hold his court and transact civil business at such place or places in either district as he may deem fit.”

Power to
appoint
District
Judge or
Assistant
Judge in one
district to be
Joint Judge
in another
district.

¹ For Statement see *Bombay Government Gazette*, 1942, Part IV, pp. 176 and 177.

² See Bombay Code, Vol. I, p. 95.

[THE BOMBAY PRIMARY EDUCATION (AMENDMENT)
ACT, 1942.]

[7th May 1942.]

**An Act to amend the Bombay Primary Education Act,
1923.²**Bom. IV
of 19: 2.

WHEREAS it is expedient to amend the Bombay Primary Education Act, 1923, for the purpose hereinafter appearing ;

26 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

Now, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the Bombay Primary Education Short title. (Amendment) Act, 1942.

Bom. IV
of 1923.

2. In section 3 of the Bombay Primary Education Act, 1923—

Amendment
of section 3
of Bom. IV
of 1923.

(a) in sub-section (2), after the words “manner prescribed.” the words “Such members shall not necessarily be members of the said municipalities.” shall be inserted ; and

(b) after sub-section (4), the following new sub-section shall be inserted, namely :—

“(4A) If the Provincial Government is satisfied that any election cannot for any reason be held at all or cannot be completed within such period as the Provincial Government considers reasonable or has not resulted in the return of the required number of qualified persons willing to take office, the Provincial Government shall appoint from amongst persons who would have been qualified to be elected the required number of persons as members of the school board and the persons so appointed shall be deemed to have been duly elected under sub-section (2).”

¹ For Statement see *Bombay Government Gazette*, 1942, Part IV, p. 180.

² See Bombay Code, Vol. V, p. 11.

[THE CRIMINAL TRIBES (BOMBAY AMENDMENT)
ACT, 1942.]

[12th August 1942.]

**An Act to amend the Criminal Tribes Act, 1924,² in its
application to the Province of Bombay.**

VI of 1924. WHEREAS it is expedient to amend the Criminal Tribes Act, 1924, in its application to the Province of Bombay, for the purposes hereinafter appearing ;

**26 Geo. 5,
Ch. 2.** AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the Criminal Tribes (Bombay Short title, Amendment) Act, 1942.

VI of 1924. 2. In section 23 of the Criminal Tribes Act, 1924, hereinafter called the “said Act”, for sub-section (1) the following sub-section shall be substituted, namely :—

Amendment
of section 23
of Act VI of
1924.

**XLV of
1860.** “(1) Whoever, being a member of any criminal tribe and having been convicted of any of the offences under the Indian Penal Code specified in Schedule I, is convicted of the same or of any other offence specified in the Schedule shall be punishable with transportation for life or with imprisonment of either description for a term which may extend to ten years.”

3. For Schedule I to the said Act the following Schedule shall be substituted, namely :—

Substitution
of new
Schedule for
Schedule I to
Act VI of
1924.

“ SCHEDULE I.

(See section 23.)

SECTIONS.**CHAPTER XII.**

- 231. Counterfeiting coin.
- 232. Counterfeiting Queen's coin.
- 233. Making or selling instrument for counterfeiting coin.
- 234. Making or selling instrument for counterfeiting Queen's coin.
- 235. Possession of instrument or material for the purpose of using the same for counterfeiting coin.

¹ For Statement see *Bombay Government Gazette*, 1942, part IV, p. 24.

² Central Acts, Vol. VIII.

SECTIONS.

- 239. Delivery of coin, possessed with knowledge that it is counterfeit.
- 240. Delivery of Queen's coin, possessed with knowledge that it is counterfeit.
- 242. Possession of counterfeit coin by person who knew it to be counterfeit when he became possessed thereof.
- 243. Possession of Queen's coin by person who knew it to be counterfeit when he became possessed thereof.

CHAPTER XVI.

- 304. Culpable homicide not amounting to murder.
- 307. Attempt to murder.
- 308. Attempt to commit culpable homicide.
- 311. Being a thug.
- 324. Voluntarily causing hurt by dangerous weapons or means.
- 325. Voluntarily causing grievous hurt.
- 326. Voluntarily causing grievous hurt by dangerous weapons or means.
- 227. Voluntarily causing hurt to extort property, or to constrain to an illegal act.
- 328. Causing hurt by means of poison, etc., with intent to commit an offence.
- 329. Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act.
- 332. Voluntarily causing hurt to deter public servant from his duty.
- 333. Voluntarily causing grievous hurt to deter public servant from his duty.
- 369. Kidnapping or abducting child under ten years with intent to steal from its person.

CHAPTER XVII.

- 382. Theft after preparation made for causing death, hurt or restraint in order to the committing of the theft.

SECTIONS.

- 384. Extortion.
- 385. Putting person in fear of injury in order to commit extortion.
- 386. Extortion by putting a person in fear of death or grievous hurt.
- 387. Putting person in fear of death or of grievous hurt, in order to commit extortion.
- 392. Robbery.
- 393. Attempt to commit robbery.
- 394. Voluntarily causing hurt in committing robbery.
- 395. Dacoity.
- 397. Robbery or dacoity, with attempt to cause death or grievous hurt.
- 398. Attempt to commit robbery or dacoity when armed with deadly weapon.
- 399. Making preparation to commit dacoity.
- 402. Assembling for purpose of committing dacoity.
- 457. Lurking house-trespass or house-breaking by night in order to commit offence punishable with imprisonment.
- 458. Lurking house-trespass or house-breaking by night after preparation for hurt, assault or wrongful restraint.
- 459. Grievous hurt caused whilst committing lurking house-trespass or house-breaking.
- 460. All persons jointly concerned in lurking house-trespass or house-breaking by night punishable where death or grievous hurt caused by one of them."

[THE CITY OF BOMBAY MUNICIPAL (THIRD AMENDMENT)
ACT, 1942.]

[25th August 1942.]

An Act to amend the City of Bombay Municipal Act,
1888.²Bom. III
of 1888.

WHEREAS it is expedient to amend the City of Bombay Municipal Act, 1888, for the purposes hereinafter appearing ;

26 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

Now, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. (1) This Act may be called the City of Bombay Municipal (Third Amendment) Act, 1942. Short title and duration.

(2) It shall remain in force for six months only :

Provided that the Provincial Government may, by notification in the Official Gazette, direct that it shall remain in force for a further period not exceeding six months at a time, but in no case beyond the 1st day of April 1944.

Bom. III
of 1888.

2. After Chapter II of the City of Bombay Municipal Act, 1888, the following Chapter shall be inserted, namely :— Insertion of Chapter II-A in Bom. III of 1888.

“ CHAPTER II-A.

Special provisions for certain meetings, etc.

60A. If at any time it appears to the Commissioner that a situation has arisen whereby a meeting of the Corporation or a Committee constituted or appointed under this Act is for any reason not likely to be held as required by or under this Act, he may, notwithstanding anything contained in this Act or in any rules or regulations made thereunder, fix the day, time and place of such meeting. Power of Commissioner to call meetings and fix quorum.

60B. In relation to a meeting held at the day, time and place appointed under section 60A,— Amendments of certain sections in relation to meetings under section 60A.

(a) clause (f) of section 36 shall be read as if for the word ‘twenty-five’ wherever it occurs, the word ‘fifteen’ were substituted ;

(b) clause (d) of sub-section (5) of section 39 shall be read as if for the word ‘eight’ the word ‘four’ were substituted ;

¹ For Statement see *Bombay Government Gazette*, 1.42, Part IV, p. 222.

² See Bombay Code, Vol. III, p. 1.

(c) clause (d) of section 49 shall be read as if for the word 'six' the word 'four' were substituted;

(d) clause (d) of section 49-I shall be read as if for the word 'eight' the word 'four' were substituted;

(e) the proviso to clause (l) of section 36 shall be read as if for the words 'three-fourths' wherever they occur and for the word 'fifteen' the words 'one half' and the word 'nine' were respectively substituted.

Meetings
 under section
 60A not to be
 adjourned
 without
 four-fifths
 majority.

60C. Notwithstanding anything contained in this Act or any rules or regulations made thereunder a meeting of the Corporation or a Committee constituted or appointed under this Act held at the day, time and place appointed under section 60A shall not be adjourned except on a vote of four-fifths of the councillors or members present at the meeting.

Certain
 powers to be
 exercised in
 absence of
 chairman of
 schools'
 committee.

60D. (1) The power conferred on the chairman of the schools' committee under sub-section (8) of section 39 shall, in the absence of the chairman, be exercised—

(a) by such one of its members as the schools' committee may appoint in that behalf, or

(b) where no member is so appointed or the member so appointed declines to exercise the power, by such other member of the schools' committee as the Commissioner may appoint in that behalf.

(2) Any order signed as provided in sub-section (1) shall have the same force and effect as if it were an order signed by the chairman of the schools' committee."

[THE CITY OF BOMBAY MUNICIPAL (FOURTH AMENDMENT)
Act, 1942.]

[10th October 1942.]

**An Act to amend the City of Bombay Municipal Act,
1888.²**Bom. III
of 1888.

WHEREAS it is necessary to amend the City of Bombay Municipal Act, 1888, for the purpose hereinafter appearing ;

26 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the City of Bombay Municipal Short title.
(Fourth Amendment) Act, 1942.

Bom. III
of 1888.

2. To sub-clause (d) of clause (2) of section 125 of the City of Bombay Municipal Act, 1888, hereinafter called the said Act, the following proviso shall be added, namely :— Amendment of section 125 of Bom. III of 1888.

“Provided that as respects the estimates for the three financial years commencing from the financial year 1942-1943, this sub-clause shall have effect as if for the words ‘three times’ the word ‘twice’ were substituted.”

3. To clause (4) of rule 5 of Schedule BB to the said Act, Amendment of Schedule BB to Bom. III of 1888.
the following proviso shall be added, namely :—

“Provided that as respects the three financial years commencing from the financial year 1942-1943, this clause shall have effect as if for the words ‘three times’ the word ‘twice’ were substituted.”

¹ For statement see *Bombay Government Gazette*, 1942, Part IV, p. 261 and 262.

² See *Bombay Code*, Vol. III, p. 1.

[THE BOMBAY HINDU WOMEN'S RIGHTS TO PROPERTY
(EXTENSION TO AGRICULTURAL LAND) ACT, 1942.]

[13th October 1942.]

An Act to extend the operation of the Hindu Women's Rights to Property Act, 1937,² and the Hindu Women's Rights to Property (Amendment) Act, 1938,² to agricultural land in the Province of Bombay.

XVIII of
1937.

XI of 1938.

WHEREAS the Hindu Women's Rights to Property Act, 1937, and the Hindu Women's Rights to Property (Amendment) Act, 1938, purport to give better rights to women in respect of property in general;

AND WHEREAS many transactions have already taken place in the Province of Bombay on the basis that women had acquired better rights under the said Acts in respect of agricultural land as well as other kinds of property;

AND WHEREAS it has now been established that the said Acts do not operate to give them better rights in respect of agricultural land;

AND WHEREAS in order to validate those transactions as well as to give women in future those better rights and for other purposes, it is expedient to extend the operation of the said Acts to agricultural land with retrospective effect, but with certain savings;

2 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act:—

1. (1) This Act may be called the Bombay Hindu Short title
Women's Rights to Property (Extension to Agricultural and extent.
Land) Act, 1942.

(2) It extends to the Province of Bombay.

XVIII of
1937.

XI of 1938.

2. The term "property" in the Hindu Women's Rights Term
to Property Act, 1937, and the Hindu Women's Rights to "property"
Property (Amendment) Act, 1938, as in force in the Province i Acts
of Bombay, shall include, and shall be deemed always to No. XVIII
have included, agricultural land: of 1937 and
No. XI of
1938 o
include
agricultural

¹ For Statement see *Bombay Government Gazette*, 1942, Part IV, land,
p. 267.

² Central Acts., Vol. IX.

Provided that where any person who, but for this Act, would have been entitled to any property has been in possession or has made a transfer thereof, his possession till the commencement of this Act shall be deemed to be as lawful, and the transfer made by him shall be deemed to be as valid, as if this Act had not been passed :

Provided further that nothing in this Act shall affect any rule of succession prescribed for tenants' rights in agricultural land by any special law for the time being in force.

THE BOMBAY MOLASSES ACT, 1942.**CONTENTS.****PREAMBLE.****Sections.**

1. Short title.
2. Extent and commencement.
3. Definitions.
4. Appointment of persons to exercise the powers of a Collector under this Act.
5. Regulation of possession of molasses.
6. Suspension or cancellation of licences.
7. Penalty for Contravention of this Act, rules or licences.
8. Confiscation.
9. Compounding offences.
10. Issue of warrants.
11. Power of entry, search, seizure and detention.
12. Officer to have powers of investigation.
13. Presumption as regards offences under section 7.
14. Possession by one person on account of another.
15. Procedure when molasses or other article is seized.
16. Procedure when molasses or other article is forwarded to Collector.
17. Offences under the Act to be bailable.
18. Officers to act subject to orders of Government.
19. Protection of persons acting in good faith and limitation of suits and prosecutions.
20. Rules.

BOMBAY ACT No. XVIII OF 1942.¹

[THE BOMBAY MOLASSES ACT, 1942.]

[21st October 1942.]

An Act to provide for the control of the possession of molasses.

WHEREAS it is necessary to provide for the control of the possession of molasses in order to prevent its use for the manufacture of liquor in the Province of Bombay;

26 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all power vested by or under the said Act in the Provincial Legislature;

Now, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act:—

1. This Act may be called the Bombay Molasses Act, Short title. 1942.

2. (1) This Act extends to the whole of the Province of Bombay. Extent and commencement.

(2) Section 1 and this section shall come into force at once. The Provincial Government may, by notification in the Official Gazette, direct that sections 3 to 20 shall come into force in any area in the Province of Bombay on such date as may be specified in the notification.

3. In this Act unless there is anything repugnant in the subject or context— Definitions.

(1) The expressions "Abkari Officers", "Collector" and "Commissioner" shall have the same meaning as they have in the Bombay Abkari Act, 1878.

(2) "Code" means the Code of Criminal Procedure, 1898.

(3) "Licence" means a licence for the possession of molasses granted under sub-section (2) of section 5.

(4) "Molasses" means the heavy, dark coloured residual syrup drained away in the final stage of the manufacture of gur or sugar containing, in solution or suspension, sugars which can be fermented, and includes any product formed by the addition to such syrup of any ingredient which does not substantially alter the character of such syrup but does not include any article which the Provincial Government may by notification in the Official Gazette declare not to be molasses for the purposes of this Act.

4. The Provincial Government may, by notification in the Official Gazette, appoint any person to exercise, in any area, all the powers and perform all the duties conferred and imposed by this Act on a Collector. Appointment of persons to exercise the powers of a Collector under this Act.

¹ For Statement see Bombay Government Gazette, 1942, Part IV, Act, p. 276.

B-m. V
of 1878.

V of 1898.

Regulation of possession of molasses. 5. (1) No person shall have in his possession any quantity of molasses.

(2) Notwithstanding anything contained in sub-section (1), the Provincial Government may, by general or special order, authorise any Collector to grant licences for the possession of molasses. Such licences shall be in such form and if granted shall be granted subject to such conditions and restrictions and on payment of such fees as the Provincial Government may direct.

Suspension or cancellation of licences.

6. (1) The Collector may suspend or cancel any licence—

(a) if any fee payable under such licence is not duly paid; or

(b) if there is any breach of any of the conditions of such licence or of any licence previously granted to the holder of such licence by the holder of such licence or by his servant or by any person acting on his behalf with his express or implied permission; or

(c) if the holder of such licence or his servant or any person acting on his behalf with his express or implied permission is convicted of any offence punishable under this Act or the Bombay Abkari Act, 1878.

Bom. V
of 1878.

(2) The holder of any licence shall not be entitled to any compensation for the cancellation or suspension of such licence under sub-section (1) nor to refund of any fees paid in respect thereof.

Penalty for contravention of this Act, rules or licences.

7. Whoever has in his possession any quantity of molasses in contravention of the provisions of this Act or the rules made thereunder or of any licence granted under this Act shall, on conviction, be punishable with fine which may extend to five hundred rupees or with imprisonment which may extend to one month or with both.

Confiscation.

8. All molasses which is possessed by any person or kept in any place in contravention of the provisions of this Act or rules made thereunder or of any licence granted under this Act and every box, receptacle, package or covering in which such molasses is contained shall be liable to confiscation.

Explanation.—For the purposes of this Act, all molasses for the possession of which a licence has not been granted under section 5 or if granted, has been cancelled or has ceased to be in force, shall be deemed to have been possessed or kept in contravention of the provisions of this Act.

Compounding offences.

9. (1) The Commissioner or any Collector or any other Abkari Officer specially empowered by the Provincial Government in this behalf may accept from any person whose licence is liable to be cancelled or suspended under section 6 or who is reasonably suspected of having committed an offence under section 7 a sum of money in lieu of such

cancellation or suspension or by way of composition for the offence which may have been committed, as the case may be; and in all cases whatsoever in which any property has been seized as liable to confiscation under this Act may release the same on payment of the value thereof as estimated by such officer.

(2) On the payment by such person of such money or value or both, as the case may be, to such officer, such person if in custody shall be set at liberty and the property seized shall be released and if criminal proceedings shall have been instituted against such person, the composition shall be held to amount to an acquittal and in no case shall any further proceedings be taken against such person or property with reference to the same facts.

10. (1) Any Magistrate or any Police or Abkari Officer Issue of warrants not below the rank of an Inspector may issue a warrant—

(a) for the arrest of any person who, he has reason to believe, has committed an offence punishable under this Act, or

(b) for the search, whether by day or by night, of any building, vessel, vehicle or place in which he has reason to believe that any molasses liable to confiscation under this Act is kept or concealed.

(2) All warrants issued under this section shall be executed in accordance with the provisions of the Code by a Police Officer or by an Abkari Officer duly empowered by the Provincial Government in this behalf or if the officer issuing the warrant deems fit, by any other officer.

11. (1) Any Police or Abkari Officer duly empowered by Power of entry, search seizure and detention. the Provincial Government in this behalf may—

(a) enter and search by day or by night, any building, vessel, vehicle or place in which he has reason to believe that any molasses liable to confiscation under this Act is kept or concealed;

(b) seize any molasses which he has reason to believe is liable to confiscation under this Act and any box, receptacle, package or covering in which such molasses is contained; and

(c) arrest, detain or search any person who he has reason to believe is guilty of an offence punishable under this Act.

(2) All arrests and searches made under this section shall be made in accordance with the provisions of the Code.

12. (1) Every Abkari or Police Officer, not below such rank as the Provincial Government may determine, shall Officer to have powers of investigation. within the area for which he is appointed, have power to investigate all offences punishable under this Act.

(2) Every such officer shall in the conduct of such investigation exercise the powers conferred by the Code, upon an officer in charge of a police station for the investigation of a cognizable offence :

Provided that—

(a) if such officer is of opinion that there is not sufficient evidence or reasonable ground of suspicion to justify the forwarding of an accused person to a Magistrate, or that the person arrested may be discharged with a warning, such officer shall release him on his executing a bond, with or without sureties, to appear, if and when so required, before a Magistrate and shall make a full report of the case to his official superior and be guided by the order which he shall receive on such report ;

(b) the powers of an Abkari or Police Officer empowered under this section shall be subject to such further modifications or restrictions as the Provincial Government may determine.

Presumption as regards offences under section 7.

13. In all prosecutions under section 7 it shall be presumed until the contrary is proved that the accused person has committed an offence under that section in respect of any molasses for the possession of which he is unable to account satisfactorily.

Possession by one person on account of another.

14. (1) When any person has in his possession molasses on account of any other person and such other person knows or has reason to believe that such possession is on his account, the molasses shall, for the purposes of this Act, be deemed to have been in the possession of such other person.

(2) Nothing in sub-section (1) shall absolve any person who has possession of any molasses on account of another person from liability to any punishment under this Act for the unlawful possession of such molasses.

Procedure when molasses or other article is seized.

15. When any molasses or any other article has been seized under sections 10 or 11, the officer who seized such molasses or article, shall after making such inquiry as he may deem necessary—

(a) if it appears to him that such molasses or article is required as evidence in any case, forward it to the Magistrate concerned ;

(b) if it appears to him that such molasses or article is liable to confiscation under this Act but is not required as evidence in any case, forward it along with a report of the particulars of the seizure to the Collector through his superior officer ; and

(c) in any other case, not falling under clause (a) or (b), return it to the person from whose possession it was taken and report to his superior officer accordingly.

16. (1) If the Collector to whom any molasses or other article has been forwarded under clause (b) of section 15, finds after making such enquiry as he may deem necessary that such molasses or article is liable to confiscation under this Act, he shall order that such molasses or article shall be confiscated : Procedure when molasses or other article is forwarded to Collector.

Provided that the Collector shall not pass such order before the expiration of fifteen days from the date on which the molasses or article was seized and without hearing the person, if any, claiming within the said period any right thereto and the evidence, if any, which such person produces in support of his claim :

Provided further that if the Collector so deems fit, he may at any time direct that the molasses or article shall be sold, and the provisions of this sub-section shall apply, so far as may be, to the net proceeds of the sale :

Provided also that the Collector may if he so deems fit direct that the molasses shall be destroyed.

(2) The order passed by the Collector under sub-section (1) shall be final.

17. (1) The offences punishable under this Act shall be bailable. Offences under the Act to be bailable.

(2) Any officer empowered under section 12 to investigate an offence punishable under this Act shall have power to grant bail in accordance with the provisions of the Code to any person arrested without warrant for an offence punishable under this Act.

18. All officers shall exercise the powers and perform the duties conferred and imposed on them by or under this Act in accordance with such orders, not inconsistent with the provisions of this Act, as in the case of the Commissioner, the Provincial Government and in the case of other officers the Provincial Government or the Commissioner may from time to time make. Officers to act subject to orders of Government.

19. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or the rules made under this Act. Protection of persons acting in good faith and limitation of suits and prosecutions.

(2) No suit shall lie against the Crown and no prosecution or suit shall lie against any officer in respect of anything done, or alleged to have been done, in pursuance of this Act, unless the suit or prosecution has been instituted within four months from the date of the act complained of.

20. (1) The Provincial Government may, by notification published in the *Official Gazette*, make rules for the purpose of carrying into effect the provisions of this Act. Rules.

(2) The power to make rules under this section shall be subject to the condition of previous publication.

BOMBAY ACT No. XIX OF 1942.¹

[THE BOMBAY DISTRICT MUNICIPAL, LOCAL BOARDS AND MUNICIPAL BOROUGHS (AMENDMENT) ACT, 1942.]

[6th November 1942.]

An Act to amend the Bombay District Municipal Act, 1901,² the Bombay Local Boards Act, 1923,³ and the Bombay Municipal Boroughs Act, 1925.⁴

Bom. III
of 1901.
Bom. VI
of 1923.
Bom.
XVIII
of 1925.

WHEREAS it is expedient to amend the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, and the Bombay Municipal Boroughs Act, 1925, for the purposes hereinafter appearing;

26 Geo. 5,
c. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the said powers the Governor of Bombay is pleased to make the following Act:—

1. (1) This Act may be called the Bombay District Municipal, Local Boards and Municipal Boroughs (Amendment) Act, 1942. Short title and duration.

(2) It shall remain in force for six months only:

Provided that the Provincial Government may, by notification in the Official Gazette direct that it shall remain in force for a further period not exceeding six months at a time, but in no case beyond the 1st day of April 1944.

Bom. III
of 1901.

2. After section 25 of the Bombay District Municipal Act, 1901, the following new heading and section shall be inserted, namely:— Insertion of new heading and section 25A in Bom. III of 1901.

“(6) *Special provisions for exercise of powers and performance of duties of president and vice-president in certain contingencies.*

25A. If at any time it appears to the Collector that a situation has arisen whereby the president or the vice-president as the case may be is for any reason not likely to exercise and perform any of the powers and duties conferred and imposed on him or deputed to him by or under this Act, then notwithstanding anything contained Collector to authorise councillor or chief officer to exercise powers and perform duties of president or vice-president in certain cases.

¹For Statement see *Bombay Government Gazette*, 194., Part IV, p. 264. This Act is Spent.

²See Bombay Code, Vol. IV, p. 5.

³See Bombay Code, Vol. V, p. 2.

⁴See Bombay Code, Vol. V, p. 221.

in this Act or in the rules or regulations made thereunder, the Collector may by order in writing authorise any councillor, other than the president or the vice-president as the case may be, or the chief officer to exercise and perform all the powers and duties of the president or the vice-president as the case may be, for such period as the Collector may from time to time direct."

Insertion of
new section
34A in Bom.
VI of 1923.

3. In Chapter II, after section 34 of the Bombay Local Bom. VI
Boards Act, 1923, the following new section shall be inserted, of 1923.
namely :—

Collector to
authorise
member or
chief officer
to exercise
powers and
perform
duties of
president or
vice-president
in certain
cases.

"34A. If at any time it appears to the Collector that a situation has arisen whereby the president or the vice-president as the case may be is for any reason not likely to exercise and perform any of the powers and duties conferred and imposed on him or deputed to him by or under this Act, then notwithstanding anything contained in this Act or in the rules or regulations made thereunder, the Collector may by order in writing authorise any member of the local board, other than the president or the vice-president as the case may be, or the chief officer to exercise and perform all the powers and duties of the president or the vice-president as the case may be, for such period as the Collector may from time to time direct."

Insertion of
new heading
and section
32A in Bom.
XVIII of
1925.

4. After section 32 of the Bombay Municipal Boroughs Bom.
Act, 1925, the following new heading and section shall be XVIII
inserted, namely :— of 1925:

"(6A) *Special provisions for exercise of powers and performance
of duties of president and vice-president in certain
contingencies.*

Collector to
authorise
councillor
or chief officer
to exercise
powers and
perform
duties of
president or
vice-president
in certain
cases.

32A. If at any time it appears to the Collector that a situation has arisen whereby the president or the vice-president as the case may be is for any reason not likely to exercise and perform any of the powers and duties conferred and imposed on him or deputed to him by or under this Act, then notwithstanding anything contained in this Act or in the rules or regulations made thereunder, the Collector may by order in writing authorise any councillor, other than the president or the vice-president as the case may be, or the chief officer to exercise and perform all the powers and duties of the president or the vice-president as the case may be, for such period as the Collector may from time to time direct."

BOMBAY ACT No. XX OF 1942.¹

[THE BOMBAY CIVIL COURTS (SECOND AMENDMENT)
ACT, 1942.]

[11th November 1942.]

An Act to amend the Bombay Civil Courts Act, 1869.²

XIV of
1869.

WHEREAS it is expedient to amend the Bombay Civil Courts Act, 1869, for the purpose hereinafter appearing ;

26 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the Bombay Civil Courts Short title. (Second Amendment) Act, 1942.

XIV of
1869.

2. In section 28 of the Bombay Civil Courts Act, 1869, Amendment of section 28 of Act XIV of 1869.
for the words " The Provincial Government may " wherever they occur, the words " The High Court, under the general superintendence of the Provincial Government, may " shall be substituted.

¹ For Statement see *Bombay Government Gazette*, 1942, Part IV, p. 266.

² See *Bombay Code*, Vol. I. p. 95.

BOMBAY ACT No. XXI OF 1942.¹**[THE BOMBAY FERRIES (AMENDMENT) ACT, 1942.]***[2nd December 1942.]***An Act to amend the Bombay Ferries Act, 1868.²****Bom. II
of 1868.**

WHEREAS it is expedient to amend the Bombay Ferries Act, 1868, for the purposes hereinafter appearing ;

**26 Geo. 5,
Ch. 2.**

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the Bombay Ferries (Amendment) Act, 1942. Short title.

**Bom. II
of 1868.**

2. In the long title and preamble of the Bombay Ferries Act, 1868, hereinafter called "the said Act", after the word "ferries" the words "and inland vessels" shall be inserted. Amendment of long title and preamble of Bom. II of 1868.

3. Section 14 of the said Act shall be deleted. Deletion of section 14 of Bom. II of 1868.

4. For section 14A of the said Act, the following shall be substituted, namely :— Substitution of new section 14A for section 14A of Bom. II of 1868.

"14A. (1) No person shall, without a special license granted by an officer empowered by the Provincial Government in this behalf, convey for hire any passenger, animal, goods or other thing in any vessel on any river, stream, creek, tank, lake or other collection of water affording passage for a vessel between two points both of which are less than three miles distant from a bridge at which under the provisions of any law for the time being in force a toll is leviable on persons, animals, goods or other things. Penalty for conveying passenger etc. along river etc. near toll bridge.

(2) Whoever contravenes the provisions of sub-section (1) shall on conviction be punishable with fine which may extend to five hundred rupees."

5. In section 14B of the said Act—

(1) in sub-section (1) for the words beginning with the words "for hire" and ending with the words "ferry boat" the following shall be substituted, namely :— Amendment of section 14B of Bom. II of 1868.

"whether for hire or not, on any river, stream, creek, tank, lake or other collection of water affording passage for a vessel any passenger, animal, goods or other thing in any vessel";

¹For statement see *Bombay Government Gazette*, 1942, Part IV, p. 309.

²See *Bombay Code*, Vol. II. n. 127.

(2) in sub-section (2) for the word "boat" the word "vessel" shall be substituted.

Insertion of new sections 14C, 14D, 14E, 14F and 14G in Bom. II of 1868.

License required to ply any vessel on any river etc.

6. After section 14B of the said Act, the following new sections shall be inserted, name y :—

"14C. No person shall ply any vessel on any river, stream, creek, tank, lake or other collection of water affording passage for a vessel, whether for hire or not, except under a license granted by an officer empowered by the Provincial Government in this behalf and except in accordance with the provisions of this Act, the rules, regulations and orders made thereunder and the conditions of such license :

Provided that the Provincial Government may, by notification in the Official Gazette, exempt from the operation of this section such vessels or class of vessels as may be specified in such notification.

Inspection of vessels and suspension of the license if vessels are not seaworthy etc.

14D. Any Magistrate or Police Officer, not below the rank of a Sub-Inspector, or any officer specially empowered by the Provincial Government in this behalf may board and inspect any vessel for the purpose of satisfying himself that the provisions of this Act, the rules, regulations and orders made thereunder and the conditions of the license issued in respect of such vessel are duly observed. If such officer is of the opinion that the vessel is not seaworthy or is insufficiently equipped or is in such a condition that its plying may cause danger to human life or safety, he may suspend the license issued in respect of such vessel and such vessel shall not thereafter be plied until the order suspending the license has been cancelled or a fresh license has been issued in respect of such vessel.

Power to prohibit plying of vessels to avert any accident and to requisition vessels etc.

14E. (1) If any Magistrate, or any Police Officer, not below the rank of a Sub-Inspector, or any officer of the Public Works Department, not below the rank of an Assistant or Deputy Engineer or any officer specially empowered by the Provincial Government in this behalf, is at any time of the opinion that in order to avert any accident or danger to human life or safety it is necessary to take action under this sub-section, such Magistrate or officer may by order prohibit the plying of any vessel, or of any class of vessels or of vessels generally on any river, stream, creek, tank, lake or other collection of water, affording passage for a vessel, within the limits of his jurisdiction, during such period as may be specified in the order.

(2) Any such Magistrate or officer may by order, within the limits of his jurisdiction, for the purpose of saving any human life or property, requisition the use of any vessel or other property likely to be useful in effecting rescue for such period as may be specified in the order.

When any Magistrate or officer requisitions the use of any vessel or other property for any period, there shall be paid to the person deprived of it for the period such amount of compensation as may be determined by the Magistrate or officer. The decision of the Magistrate or the officer regarding the amount of compensation and the person to whom such compensation is payable shall be final.

14F. Any person who contravenes any of the provisions of this Act or of the rules, regulations and orders made thereunder or of the conditions of any license granted under section 14C, shall on conviction, if no other penalty is provided in the Act for such contravention, be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

Penalty for breach of the provisions of the Act, rules, regulations and orders made thereunder and the conditions of the license granted under section 14C.

14G. If any of the provisions of this Act, or of the rules, regulations or orders made thereunder or of the conditions of the license granted under section 14C are contravened in respect of any vessel, both the owner and the person in charge of such vessel shall be deemed to have contravened such provisions and shall be personally liable for the same."

Both the owner and the person in charge to be liable for any breach.

7. After section 17 of the said Act, the following new sections shall be inserted, namely :—

Insertion of new sections 17A, 17B and 17C in Bom. II of 1868.

"17A. (1) The Provincial Government may, after previous publication, make rules for the purpose of carrying out the provisions of this Act.

Rules and regulations.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may be made for all or any of the following purposes, namely :—

(a) licensing and regulating vessels, plying, whether for hire or not, or any river, stream, creek, tank, lake or other collection of water affording passage for a vessel, and prescribing the officers by whom and the conditions on which licences for plying such vessels may be granted, suspended or revoked and the fees payable in respect of such licenses ;

(b) determining the number of passengers, carts, carriages or animals or the quantity of goods or other things that may be carried in such vessels ;

(c) regulating the carriage and exhibition of lights by such vessels ;

(d) prescribing the fares which may be charged for the carriage of passengers, animals, goods, or other things in such vessels ;

(e) regulating the conduct of passengers in such vessels ;

(f) prescribing the equipment and the number of the crew which must be on board any such vessel when it is plying; and

(g) generally for securing the safe, speedy and convenient carriage and landing of passengers and cargo in such vessels.

(3) The District Magistrate may, from time to time, make regulations, not inconsistent with the provisions of this Act and the rules thereunder—

(a) regulating the plying of vessels on any river, stream, creek, tank, lake or other collection of water affording passage for a vessel, within the limits of his jurisdiction, and

(b) for securing the safe, speedy and convenient carriage and landing of passengers in such vessels.

Definition of
"vessel".

17B. In this Act, "vessel" shall include anything made for the conveyance by water of human beings, animals or property.

Provisions of
sections 14A
to 14G and
17A and 17B
not applic-
able in cer-
tain cases.

17C. Nothing in sections 14A to 14G and 17A and 17B shall apply in respect of any vessel plying on sea or on tidal waters or in any major port, or in respect of any inland steam-vessel as defined in sub-section (7) of section 2 of the Inland Steam-vessels Act, 1917, or in respect of any vessel plying under a license issued in exercise of the powers conferred by section 6 of the Indian Ports Act, 1908."

XV of 1908.

Amendment
of section 18
of Bom. II
of 1808.

8. In section 18 of the said Act, after the word "Ferries" the words "and Inland Vessels" shall be inserted.

BOMBAY ACT No. XXII OF 1942.¹**[THE BOMBAY LOCAL BOARDS (AMENDMENT) ACT, 1942.]****[8th December 1942.]****An Act to amend the Bombay Local Boards Act, 1923.²****Bom. VI
of 1923.**

WHEREAS it is expedient to amend the Bombay Local Boards Act, 1923, for the purpose hereinafter appearing ;

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**26 Geo. 5,
Ch. 2.**

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the said powers the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the Bombay Local Boards Short title.
(Amendment) Act, 1942.

**Bom. VI
of 1923.**

2. In section 28 of the Bombay Local Boards Act, 1923, Amendment-
for the word "four" the word "five" shall be substituted. of section 1
28 of Bom.
VI of 1923.

¹For Statement see *Bombay Government Gazette*, 1942, Part IV, p. 311.

²See Bombay Code, Vol. V, p. 23.

THE BOMBAY POWER ALCOHOL AND PETROLEUM ACT, 1942.

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BOMBAY ACT No. XXIII OF 1942.¹

[THE BOMBAY POWER ALCOHOL AND PETROLEUM
Act, 1942.]

[17th December 1942.]

An Act to provide for regulating the manufacture of power alcohol and for the compulsory admixture of power alcohol with petrol for use as motor fuel in the Province of Bombay.

WHEREAS it is expedient to provide for regulating the manufacture of power alcohol and for the compulsory admixture of power alcohol with petrol for use as motor fuel in the Province of Bombay, and for certain other purposes ;

16 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

CHAPTER I.**PRELIMINARY.**

1. This Act may be called the **Bombay Power Alcohol and Petroleum Act, 1942.** Short title.

2. (1) This Act extends to the whole of the Province of Bombay. Extent and
commencement.

(2) Section 1 and this section shall come into force at once. The Provincial Government may, by notification in the Official Gazette, direct that the remaining provisions of this Act shall come into force in any area in the Province of Bombay on such date as may be specified in the notification.

3. In this Act unless there is anything repugnant in the Definitions, subject or context—

Bom. V
of 18. 8.

(1) the expressions “Abkari Officer” and “Commissioner” have the same meanings as they have in the Bombay Abkari Act, 1878 ;

(2) “Molasses” means the heavy, dark coloured residual syrup drained away in the final stage of the manufacture of gum or sugar containing, in solution or suspension, sugars which can be fermented, and includes any product formed by the addition to such syrup of any ingredient which does not substantially alter the character of such syrup but does not include any article which the Provincial Government may by notification in the Official Gazette declare not to be molasses for the purposes of this Act ;

¹For Statement see *Bombay Government Gazette*, 1942, Part IV, p. 324.

(3) "petrol" means dangerous petroleum as defined in **XXX** of clause (b) of section 2 of the Petroleum Act, 1934; **1934.**

(4) "petroleum" has the meaning assigned to it in **XXX** of clause (a) of section 2 of the Petroleum Act, 1934, but **1934.** does not include power alcohol;

(5) "power alcohol" means alcohol containing not less than 99.5 per cent. by volume of pure ethyl alcohol measured at sixty degrees Fahrenheit;

Provided that the Provincial Government may, by notification in the Official Gazette, declare for any area that power alcohol shall mean alcohol containing such percentage of pure ethyl alcohol not being less than 96.7 per cent. by volume as may be specified in the notification;

(6) "prescribed" means prescribed by or under this Act;

(7) "sale" and "sell" include exchange, barter and offering and exposing for sale.

CHAPTER II.

PRODUCTION, MIXING AND DISTRIBUTION.

Production of power alcohol only from molasses, etc. 4. No person shall manufacture power alcohol from any substance other than molasses or such other substance as may be notified by the Provincial Government in the Official Gazette.

Certain conditions to be inserted in license granted under the Bombay Abkari Act, 1878. 5. Every license granted under the provisions of the **Bom. V** Bombay Abkari Act, 1878, for the manufacture of power **of 1878.** alcohol shall provide for the maximum and the minimum quantities of power alcohol which shall be manufactured by the licensee and the spread-over of such production during the period of license, subject to the power of the Commissioner to alter such quantity in accordance with the provisions of rules made in this behalf.

Power alcohol to be denatured. 6. Every manufacturer of power alcohol destined for admixture with petrol or petroleum or for sale to provide motive power for any motor vehicle shall add to it denaturant of such specification as may be prescribed; different denaturants may be prescribed for power alcohol meant for different purposes.

Provincial Government to be purchaser of power alcohol. 7. All power alcohol manufactured in, or imported into, the Province of Bombay and destined for admixture with petrol or petroleum or for sale to provide motive power for any motor vehicle shall be sold to the Provincial Government and at such price as it may fix in this behalf.

Prohibition of sale of petrol not admixed with power alcohol. 8. (1) Save as otherwise provided by or under this Act, no petrol shall be sold unless it is admixed in the prescribed manner and proportion with power alcohol obtained from the Provincial Government.

(2) The Provincial Government may, by notification published in the Official Gazette, and in any other prescribed manner, prohibit the sale of any petroleum unless it is admixed in the prescribed manner and proportion with power alcohol obtained from the Provincial Government.

(3) In any admixture of petrol or petroleum with power alcohol the proportion of power alcohol shall be such as may be notified by the Provincial Government in the Official Gazette; and different proportions may be notified for different areas and for admixtures for different purposes.

9. No person shall carry on the operation of admixing power alcohol with petrol or petroleum except under the authority and subject to the terms and conditions of a license granted in this behalf by the prescribed authority.

License for mixing power alcohol with petrol and petroleum.

10. Save as otherwise provided by or under this Act, no person shall use petrol for providing motive power for any motor vehicle unless it is admixed with power alcohol in the prescribed manner and proportion :

Use of petrol without admixture with power alcohol for motive power prohibited.

Provided that petrol which is brought from any place outside the Province of Bombay, or from any place in the Province of Bombay where the provisions of this section are not in force, and, which is contained in any fuel tank incorporated in any motor vehicle or attached to the internal combustion engine of a motor vehicle may be used for providing motive power for such vehicle without being admixed with power alcohol.

11. Notwithstanding anything contained in sections 8 and 10 when for any reason there is a failure or apprehended imminent failure in the supply of petrol with the prescribed admixture of power alcohol in any district, the Collector may, subject to the provisions of any rules made in that behalf, by order in writing authorize the sale and use of petrol without the prescribed admixture in such area and for such period as may be specified in the order.

Collector to permit sale or use of petrol without admixture of power alcohol in certain circumstances.

CHAPTER III.

ADMINISTRATION, PENALTY AND SUPPLEMENTAL.

12. The Commissioner shall be the chief controlling authority for the purpose of administering this Act and shall have such powers as may be prescribed.

Commissioner to be controlling authority.

13. (1) Any officer authorised in this behalf by the Provincial Government by notification in the Official Gazette, may—

Entry and search.

(a) enter and search any place where he has reason to believe that any petrol or petroleum is being mixed with power alcohol, or any admixture of petrol or petroleum

with power alcohol is being sold, otherwise than in accordance with the provisions of this Act and the rules made thereunder, and

(b) seize, detain or remove any or all of the petrol, petroleum or admixture in respect of which in his opinion an offence under this Act has been committed.

(2) All searches made under this section shall be made in accordance with the provisions of the Code of Criminal Procedure, 1898.

of 1898.

**Inspection
and samp-
ling, etc.**

14. Any officer authorised in this behalf by the Provincial Government may—

(a) at any time by day or by night enter and inspect any place where the operation of mixing petrol or petroleum with power alcohol is carried on, or where petrol or petroleum or power alcohol or any admixture thereof is sold ;

(b) examine, test, measure or weigh any materials, vats, utensils, implements, apparatus, power alcohol, petrol, petroleum or admixture thereof found in such place ;

(c) seize any measures, weights or testing instruments which he has reason to believe to be false ; and

(d) take samples of power alcohol, petrol, petroleum or admixture thereof for testing.

**Penalty for
offences
under
certain
sections.**

15. (1) Whoever contravenes any of the provisions of sections 4, 6, 7, 8, 9 and 10 shall, on conviction, be punishable with fine which may extend to five hundred rupees.

(2) Whoever having been convicted of any offence punishable under sub-section (1) is again convicted of any offence punishable under that sub-section, shall, on conviction, be punishable with fine which may extend to two thousand rupees.

**Jurisdiction
of Magis-
trates.**

16. No Magistrate, other than a Presidency Magistrate, a Magistrate of the First Class or a Magistrate of the Second Class specially empowered in this behalf by the Provincial Government shall try any offence punishable under this Act.

Confiscation.

17. (1) In any case in which an offence under this Act has been committed the convicting Magistrate may direct that the power alcohol, petrol, petroleum, denaturant or admixture thereof in respect of which the offence has been committed shall, together with the receptacle in which it is contained, be confiscated.

(2) The power under sub-section (1) may also be exercised by any court in the exercise of its appellate or revisional jurisdiction.

(3) When an offence under this Act has been committed and the offender is not known or cannot be found or when anything liable to confiscation under this Act and not in

the possession of any person cannot be satisfactorily accounted for, the case shall be enquired into, and determined by, the Collector, who may order confiscation :

Provided that no order of confiscation shall be made before the expiration of one month from the date of seizing the thing intended to be confiscated, or without hearing the person, if any, claiming any right thereto and the evidence, if any, which he produces in support of his claim ;

Provided further that if the Collector is of the opinion that sale would be for the benefit of the owner, the Collector may at any time direct the thing to be sold and the provisions of this sub-section shall, so far as may be, apply to the net proceeds of the sale ;

Provided also that the Collector may, if he deems fit, direct the thing to be destroyed.

18. All offences punishable under this Act shall be bail-able. Offences to be bailable.

Bom. V
of 1878.

19. The provisions of sections 41, 41-B and 41-C of the Bombay Abkari Act, 1878, shall, so far as may be, apply in respect of the offences punishable under this Act and every Abkari officer shall, in respect of the said offences, exercise the powers and perform the duties conferred and imposed upon him under the said provisions. Application of sections 41, 41-B and 41-C of the Bombay Abkari Act, 1878.

Bom. V
of 1878.

20. Any dues recoverable by the Provincial Government under the provisions of this Act shall be recoverable in the manner provided in section 34 of the Bombay Abkari Act, 1878. Recovery of dues.

21. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or the rules made under this Act. Protection of persons acting in good faith.

22. All officers shall exercise the powers and perform the duties conferred and imposed on them by or under this Act in accordance with such orders, not inconsistent with the provisions of this Act, as in the case of the Commissioner, the Provincial Government and in the case of other officers the Provincial Government or the Commissioner may from time to time make. Officers to act subject to orders.

23. (1) The Provincial Government may, by notification in the Official Gazette, and subject to the condition of previous publication make rules to carry out the purposes of this Act. Rules.

(2) In particular and without prejudice to the generality of the foregoing provision such rules may provide for the following matters :—

(a) the powers of the Commissioner to alter the quantity of power alcohol to be manufactured by the licensee under section 5 ;

(b) the specifications of the denaturant to be added to power alcohol under section 6 ;

(c) the manner and proportion in which petrol and petroleum shall be mixed with power alcohol under sub-sections (1) and (2) of section 8 and the other manner in which the notification under sub-section (2) of section 8 shall be published ;

(d) the authority to grant a license under section 9 ;

(e) the manner and proportion in which petrol shall be mixed with power alcohol under section 10 ;

(f) the power of the Collector to authorize the sale and use of petrol without admixture of power alcohol under section 11 ;

(g) the powers of the Commissioner under section 12 ;

(h) the specifications and tests in respect of power alcohol intended to be admixed with petrol ;

(i) the sale of power alcohol by the Provincial Government for admixture with petrol or petroleum or for providing motive power for any motor vehicle and the fixation of price for the same ;

(j) the conditions under which, and the form in which and the period for which, licenses under this Act may be granted, and for the levy of fees in respect thereof ;

(k) the methods of denaturation of power alcohol destined for admixture with petrol or petroleum or for providing motive power for any motor vehicle ;

(l) the testing and certification of denaturants, power alcohol and mixture of petrol or petroleum with power alcohol, the establishment of a laboratory or laboratories for testing power alcohol, denaturant or such mixture and the fees that may be charged for the same ;

(m) the orders, other than orders passed in any judicial proceeding, passed under this Act, from which, the authority to which and the period within which, an appeal or revision shall lie and the powers of such authority with respect to such appeal and revision ;

(n) the particulars and the forms of returns to be submitted, and records and books to be maintained by license holder under this Act, the manner in which they are to be verified and the time when and the authority to whom returns are to be submitted ;

(o) the powers and duties to be exercised or performed by officers of the Excise Department and of any other department authorised in this behalf while acting under this Act ;

(p) the disposal of any article which has been seized or confiscated under this Act ;

(q) the taking of samples and prescribing the cases in which payments shall be made for the value of samples taken and the mode of such payments ;

(r) the measures, weights and instruments that shall be maintained by the license holders at the place where the operation of mixing petrol or petroleum with power alcohol is carried on, the procedure to be observed in testing them, the certificate that may be granted when they are found to be correct and the fees in respect thereof.

(3) In making any rule, the Provincial Government may direct that a breach thereof shall be punishable with fine which may extend to five hundred rupees and where the breach is a continuing one with further fine which may extend to one hundred rupees for every day after the first day during which the breach has been persisted in.

Bom. V
of 1878.

24. The provisions of the Bombay Abkari Act, 1878, ^{Bombay Abkari Act,} so far as they are not inconsistent with the provisions of 1878, to this Act or of any rules made thereunder shall apply to apply. power alcohol.

25. Nothing contained in this Act shall apply to—

Savings.

(1) the use or sale of petrol not admixed with power alcohol for the requirements of His Majesty's naval, military and air forces ; or

(2) the sale, by a person holding a license from an officer not below the rank of a Collector authorised by the Provincial Government in that behalf, of petrol not admixed with power alcohol for use in aircraft or for such purposes other than that of affording motive power for a motor vehicle as may be notified by the Provincial Government.

BOMBAY ACT No. XXIV OF 1942.¹

[THE MAMLATDARS' COURTS (AMENDMENT) ACT, 1942.]

[31st December 1942.]

An Act to amend the Mamlatdars' Courts Act, 1906.²Bom. II
of 1906.

WHEREAS it is expedient to amend the Mamlatdars' Courts Act, 1906, for the purpose hereinafter appearing ;

26 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature :

Now, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the Mamlatdars' Courts Short title.
(Amendment) Act, 1942.

2. In section 23 of the Mamlatdars' Courts Act, 1906,— Amendment of section 23 of Bom. II of 1906.
(a) after sub-section (2) the following new sub-section shall be inserted, namely :—

“(2A) The Collector may delegate the powers conferred on him by this section to any Assistant Collector or Deputy Collector subordinate to him.”; and Delegation of Collector's powers.

(b) in sub-section (3) after the word “Collector” the words “, Assistant Collector or Deputy Collector” shall be inserted.

¹ For Statement see *Bombay Government Gazette*, 1942, Part IV, p. 333.

² See *Bombay Code*, Vol. IV, p. 271.

BOMBAY ACT No. XXV OF 1942.¹

[THE CORONERS (BOMBAY AMENDMENT) ACT, 1942.]

[4th January 1943.]

An Act to amend the Coroners Act, 1871,² in its application to the Province of Bombay.

IV of 1871. WHEREAS it is expedient to amend the Coroners Act, 1871, in its application to the Province of Bombay, for the purpose hereinafter appearing ;

26 Geo. 5,
Ch. 2. AND WHEREAS the Governor of Bombay has assumed to him elf under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the said powers the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the Coroners (Bombay Amend- Short title.
ment) Act, 1942.

IV of 1871. 2. To sub-section (1) of section 9 of the Coroners Act, Amendment
1871 as in force in Bombay, the following proviso shall be of section 9
added, namely :— of Act IV
of 1871.

“ Provided that such inquest shall not be held in the case of death caused by enemy action, unless the Provincial Government so directs.”

¹For Statement see *Bombay Government Gazette*, 1943 Part IV
p. 2.

²Central, Vol.

BOMBAY ACT No. XXVI OF 1942.¹

[THE BOMBAY SMALL HOLDERS RELIEF (SECOND
AMENDMENT) ACT, 1942.]

[6th January 1943.]

**An Act to amend the Bombay Small Holders Relief Act,
1938.²**

Bom. VIII
of 1938.

WHEREAS it is expedient to amend the Bombay Small Holders Relief Act, 1938, for the purpose hereinafter appearing ;

26 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the Bombay Small Holders Relief (Second Amendment) Act, 1942. Short title.

Bom. VIII
of 1938.

2. To section 9 of the Bombay Small Holders Relief Act, 1938, the following new sub-section shall be added, namely :— Amendment
of section 9
of Bom. VIII
of 1938.

“(3) Notwithstanding any law for the time being in force or any agreement or usage, the tenancy of any land used for agricultural purposes which is leased to and held by a person in the military, naval or air service of the Crown shall not be liable to be terminated only on the ground that such land has been sub-let by or on behalf of the said person.”

¹For Statement see *Bombay Government Gazette*, 1943, Part IV, p. 4.

²See 1st Supplement to Bombay Code, p. 43.

BOMBAY ACT No. XXVII OF 1942.¹**[THE BOMBAY TENANCY (AMENDMENT) ACT, 1942.]****[6th January 1943.]****An Act to amend the Bombay Tenancy Act, 1939.²**

WHEREAS it is expedient to amend the Bombay Tenancy Act, 1939, for the purposes hereinafter appearing ;

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the Bombay Tenancy (Amend- Short title.. ment) Act, 1942.

2. After section 16 of the Bombay Tenancy Act, 1939, hereinafter called the said Act, the following new section shall be inserted, namely :—

Insertion of new section 16A in Bom. XXIX of 1939.

“ 16A. Notwithstanding anything contained in this Act or any other law for the time being in force or any agreement or usage, the tenancy of any land leased to and held by a person in the military, naval or air service of the Crown shall not be liable to be terminated on the ground only that the land has been sub-let by or on behalf of the said person.”

Sub-letting of land by or on behalf of person in military, naval or air service of the Crown not to terminate tenancy.

3. To section 23 of the said Act, the following proviso shall be added, namely :—

Amendment of section 23 of Bom. XXIX of 1939.

“ Provided that if any such lease is made by or on behalf of a person in the naval, military or air service of the Crown, then notwithstanding any period for which the lease is made, it may be terminated before the expiry of the said period by such person after he ceases to be in the said service ; but such termination shall not take effect before the date of expiry of the cultivating season during which such person ceases to be in the said service.

¹For Statement see *Bombay Government Gazette*, 1943, Part IV, p. 6.

²See 2nd Supplement to Bombay Code, p. 205.

Explanation.—For the purposes of this section ‘cultivating season’ shall mean the period from the 1st day of April of one year to the 31st day of March of the next following year.”

Amendment
of section 26
of Bom.
XXIX of
1939.

4. In section 26 of the said Act, for the words “ Nothing contained in this Act ”, the words and figures “ No provision contained in this Act except the proviso to section 23 ” shall be substituted.

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BOMBAY ACT No. XXVIII OF 1942.¹

[THE BOMBAY LAND IMPROVEMENT SCHEMES ACT,
1942.]

[25th January 1943.]

No. of Act.	Amended by	Year.
Bombay Act No. III	..	.. 1944.

An Act to provide for the making and execution of schemes relating to the construction of tanks, embankments and other works, the prohibition and control of grazing for the purposes of preservation of soil, prevention of soil erosion, improvement of water supply and other matters in order thereby to protect and improve lands and crops in the Province of Bombay and for charging certain expenditure on the revenues of the Province.

WHEREAS it is expedient to provide for the making and execution of schemes relating to the construction of tanks, embankments and other works, the prohibition and control of grazing for the purposes of preservation of soil, prevention of soil erosion, improvement of water supply and other matters in order thereby to protect and improve lands and crops in the Province of Bombay and for charging certain expenditure on the revenues of the Province ;

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

26 Geo. 5,
Ch. 2.

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

CHAPTER I.**PRELIMINARY.**

1. (1) This Act may be called the Bombay Land Improvement Schemes Act, 1942. Short title,
extent and
commence-
ment.
- (2) It shall extend to the whole of the Province of Bombay.
- (3) It shall come into force in such area and on such date as the Provincial Government may, by notification in the Official Gazette, direct.

2. In this Act, unless there is anything repugnant in the Definitions, subject or context,—

- (1) "Board" means a Board constituted under section 3.

¹For Statement, see *Bombay Government Gazette*, 1943, Part IV, p. 44.

(2) "Director of Agriculture" means the Director of Agriculture as defined in section 64C (c) of the Bombay Co-operative Societies Act, 1925.

Bom. VII
of 1925.

(3) "Inquiry Officer" means an officer appointed as such by the Board.

(4) "owner" includes an owner in severalty, in common or joint, an occupant as defined in the Bombay Land Revenue Code, 1879, a privileged occupant as defined in the Khoti Settlement Act, 1880, a tenant who is deemed to be a protected tenant under section 3 of the Bombay Tenancy Act, 1939, and a mortgagee in possession.

Bom. V
of 1879.
Bom. I
of 1880.
Bom.
XXIX
of 1939.

(5) "prescribed" means prescribed by rules made under this Act.

(6) "Provincial Land Improvement Officer" means an officer appointed as such by the Provincial Government.

(7) "scheme" means a land improvement scheme prepared under this Act.

(8) The words and expressions used in this Act, but not defined, shall have the meaning assigned to them in the Bombay Land Revenue Code, 1879.

Bom. V
of 1879.

CHAPTER II.

CONSTITUTION OF BOARDS AND PREPARATION OF LAND IMPROVEMENT SCHEMES.

Constitution
of Boards.

3. (1) The Provincial Government shall constitute in each division a Board consisting of the Commissioner, the Conservator of Forests and the Director of Agriculture, for the purpose of carrying out the provisions of this Act.

Where an officer is appointed to be the Provincial Land Improvement Officer, he shall be the Secretary to the Board. In other cases the Board shall appoint its own Secretary.

(2) If there is a difference of opinion among the members of the Board regarding any question under the provisions of this Act the decision of the majority of the members shall prevail.

Power of
Board to
direct
preparation
of land
improvement
scheme and
matters for
which scheme
may be
prepared.

4. (1) The Board may direct the preparation of a land improvement scheme for any area within its jurisdiction. A scheme may make provision for any of the following matters, namely:—

- (i) preservation and improvement of soil;
- (ii) prevention of erosion of soil;
- (iii) improvement of water supply;
- (iv) introduction of dry farming methods;
- (v) improvement in the methods of cultivation;
- (vi) reclamation of waterlogged land or of land from the sea;

- (vii) prohibition or control of grazing ;
- (viii) control and maintenance of tree growth ;
- (ix) such other matters not inconsistent with the objects of this Act as may be prescribed.

(2) On such direction being issued by the Board, any person who may be appointed by the Board in this behalf shall prepare in accordance with such instructions as it may issue a draft scheme containing the following particulars, namely :—

- (i) the objects of the scheme ;
- (ii) the area of the lands to be included in the scheme ;
- (iii) the persons, including the Crown, affected by the scheme ;
- (iv) the works, if any, to be carried out under the scheme, and the owners of the lands including the Crown who shall carry them out ;
- (v) the agency through which the works shall be carried out ;
- (vi) when any work under the scheme is likely to benefit persons, including the Crown, other than the owners of the lands by whom it is carried out, the names of such persons and the proportion, if any, in which they shall pay to the owner carrying out the work their contribution towards the cost of the work ; and
- (vii) such other particulars as may be prescribed.

5. (1) The draft scheme prepared under section 4 shall be submitted to the Board ; the Board shall, if it approves the scheme with or without modifications, forward a copy thereof along with the maps or plans, if any, to the Collector for being kept for inspection at such places as the Collector may direct in the village and at the headquarters of the taluka or mahal within the limits of which the lands proposed to be included in the scheme are situated and appoint an Inquiry Officer for the scheme.

Publication
of scheme
and inviting
claims and
objections.

(2) A general notice shall be published in the Official Gazette and in such local newspapers, if any, as the Collector may direct, intimating that the scheme has been prepared and can be inspected at the said places. Separate notices to the same effect shall, as far as may be possible, be also served on all owners of the land affected by the scheme and on all persons shown in the land records to be interested in the lands. The general and separate notices shall require all persons affected by the scheme who wish to make any claims or to submit any objections to appear personally or by agent before the Inquiry Officer on the date and at the place mentioned therein. Such date shall not be earlier than thirty days after the date of publication of the general notice of the scheme in the Official Gazette.

Inquiry by
Inquiry
Officer.

6. On the date fixed in the notices issued under section 5 or any other day to which the inquiry may be adjourned, the Inquiry Officer shall inquire into the claims and objections (if any) which are made or submitted pursuant to the notices and shall hear and decide any other matter which may be required to be heard and decided by or under the provisions of this Act.

Decision of
disputed
claims.

7. (1) If there is a dispute as to the ownership or possession of any land proposed to be included in the scheme, the Inquiry Officer shall decide the dispute in accordance with the entries relating to the land in the land records. If there is no such record, or if in the opinion of the Inquiry Officer the entries in the records are inaccurate, he shall refer the dispute to the Collector for decision. When the Collector decides the dispute, he shall communicate his decision to the Inquiry Officer, and the decision shall, subject to the provisions of sub-section (2), be final for the purpose of the inquiry under this Act.

(2) In the event of a civil court passing a decree which is inconsistent with the decision, the decision shall be corrected, modified or rescinded in accordance with the decree, after it has been brought to the notice of the Inquiry Officer or the Board either by the civil court or by some person affected by the decree.

Report of
Inquiry
Officer.

8. (1) After the inquiry under section 6 is completed, the Inquiry Officer shall make a report to the Board containing the following particulars, namely:—

(i) the action which it is proposed to take under the scheme;

(ii) the area of the lands to be included in the scheme;

(iii) the persons, including the Crown, affected by the scheme;

(iv) the works, if any, to be carried out under the scheme, and the owners of the lands including the Crown who shall carry them out;

(v) the agency through which the works shall be carried out;

(vi) when any work under the scheme is likely to benefit persons, including the Crown, other than the owners of the lands by whom it is carried out the names of such persons and the proportion, if any, in which they shall pay to the owner carrying out the work their contribution towards the cost of the work;

(vii) such other particulars as may be prescribed.

(2) The report shall be published by the Board in the village and at the headquarters of the taluka or mahal within the limits of which the lands included in the scheme are situate, and separate notices of the publication of the

report shall, as far as may be practicable, be given to all persons mentioned in clauses (iii), (iv) and (vi) of sub-section (1).

(3) Any person aggrieved by the report of the Inquiry Officer may, within a period of thirty days from the date of publication of the report, appeal to the Board and the Board may pass such order thereon as it thinks fit.

9. (1) On receipt of the report and after deciding such appeals as may have been made under section 8, and making such inquiry as it may think fit, the Board may sanction the scheme, with or without modification, if not less than 66 per cent. of the total number of the owners of the lands included in the scheme other than the Crown or in the alternative owners owning in aggregate not less than 66 per cent. of the total area of the lands included in the scheme other than the Crown give their consent to the making of the scheme : Power of Board to sanction scheme with or without modification.

Provided that the Provincial Government may, on the recommendation of the Board and for reasons to be recorded, sanction any scheme notwithstanding that the owners who have given their consent are less than 66 per cent. of the total number of the owners, and own in aggregate less than 66 per cent. of the total area of the lands.

(2) Any person aggrieved by the decision of the Board under sub-section (1) may, within a period of thirty days from the date of the decision, appeal to the Provincial Government which may pass such order thereon as it thinks fit.

(3) The scheme as sanctioned under sub-section (1), subject to any modification that may be made in appeal under sub-section (2), shall be published by the Board in the Official Gazette and in such other manner as may be prescribed and shall, on such publication, be final.

10. On the date on which the scheme is published in the Official Gazette under sub-section (3) of section 9, it shall come into force and shall have effect as if it were enacted in this Act. Effect of scheme.

¹10A. For the purpose of carrying out the objects of a scheme which has come into force under section 10, the Board may make regulations requiring any person or class of persons or the public generally to take certain action or to refrain from doing certain acts in respect of any matters supplementary and incidental to the scheme. Power of Board to make regulations.

CHAPTER III.

EXECUTION OF THE SCHEME.

11. (1) After a scheme has come into force under section 10, the Collector shall, in consultation with the Board, appoint an officer to execute it. Power to enforce scheme.

¹ Section 10A was inserted by Bom. 3 of 1944, s. 2.

(2) Such officer shall give a notice in the prescribed form to all the owners of the lands included in the scheme requiring them to carry out within a specified period such works as they are liable to carry out under the scheme.

(3) Where the owner of any land included in the scheme is the Crown the Department of Government which has the control or management of such land shall carry out the works which the Crown is liable to carry out under the scheme.

(4) If an owner fails to carry out any works to the satisfaction of the officer within the period specified, or at any time expresses in writing to the officer his inability to do so, the officer may himself get the work carried out and the expenses incurred by the officer for the purpose shall be recoverable from the person in default.

Liability of persons whose lands are not included in scheme to contribute.

12. (1) If, in consequence of any work carried out by the owner of any land under the scheme any other person, including the Crown, is likely to be benefited, he shall pay such amount to the owner of the land as contribution as the Board may, subject to the provisions of the scheme, determine :

Provided that the Provincial Government may excuse payment of such contribution in whole or in part in respect of any work carried out by it.

(2) The amount shall be paid within such time as may be specified by the Board. On the failure of any person to pay the amount within the specified time, the Collector or any person authorised by him in that behalf shall recover it from him and shall pay the same to the owner of the land.

Penalty.

¹ 12A. Any person who contravenes or causes any contravention of, any of the provisions of a scheme which has come into force under section 10, or any of the regulations made under section 10A, or does any act which causes damage to any of the works carried out under the scheme, or fails to fulfill any liability imposed upon him under section 13 or sub-section (5) of section 25 shall, on conviction, be punishable with fine which may extend to fifty rupees or with simple imprisonment for a period which may extend to one month, or with both.

CHAPTER IV.

MAINTENANCE, REPAIR AND USE OF WORKS CARRIED OUT UNDER THE SCHEME.

Record of rights and liabilities.

13. (1) The officer appointed under section 11 shall in the prescribed manner prepare a record of rights and liabilities containing the following particulars :—

(i) the names of the owners of the lands included in the scheme ;

¹ Section 12A was inserted by Bom. 3 of 1944, s. 2.

(ii) the liabilities of such owners for the maintenance and repair of any works under the scheme ;

(iii) a map and plan, if any, showing the situation, nature and dimensions of the said works ;

(iv) the rights of the owners as regards the use of the works ;

(v) such other matters as the Provincial Government may prescribe in this behalf.

(2) For the purpose of preparing the record of rights and liabilities the said officer or any officer empowered by him in this behalf may enter upon any land on which any work under the scheme is to be constructed or any adjacent land and may survey and demarcate the same.

(3) If a dispute exists on any matter which is not covered by the scheme but which it is necessary to decide for the purpose of preparing the record of rights and liabilities the said officer shall after making an enquiry decide the dispute.

(4) When the record of rights and liabilities is prepared under this section, a notice to this effect together with a copy of the record of rights and liabilities shall be published in the regional language of the district in every village and at the headquarters of the taluka or mahal in which the lands to which it relates are situate.

(5) An appeal against any entry in the record of rights and liabilities published under sub-section (4) shall lie to the Collector if it is made within thirty days from the date of the publication of the record under sub-section (4).

(6) Subject to rules made in this behalf by the Provincial Government under section 24, the record of rights and liabilities may be revised from time to time by the Collector. Whenever the record is revised, a notice to this effect together with a copy of the record as so revised shall be published in the manner specified in sub-section (4).

(7) An entry in the record of rights and liabilities shall be relevant as evidence in any dispute as to the matters recorded and shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted therefor.

(8) In any suit or proceeding in which an entry made in the record of rights and liabilities is directly or indirectly called in question, the Court shall, before the final settlement of issues, give notice of the suit or proceeding to the Collector and if moved to do so by the Collector, shall make the Provincial Government a party to the same.

(9) Any suit or proceeding in which an entry made in the record of rights and liabilities under this section is directly or indirectly called in question shall be rejected (although limitation has not been set up as a defence) if it has not been instituted within one year from the date of the publication under sub-section (4) or (6), as the case may be, of the copy of the record of rights and liabilities containing the said

entry, or, if an appeal has been made under sub-section (5), from the date of the order passed by the Collector in such appeal.

Obligations of owners of lands to maintain and repair works. 14. (1) Every owner of land who is bound to maintain or repair any work in accordance with the entries in the record of rights and liabilities prepared under section 13, shall do so to the satisfaction of the Collector and within such time as he may fix.

(2) If an owner fails to maintain or repair the work within the time fixed by the Collector under sub-section (1), the Collector may authorise any other person who in his opinion is interested in the maintenance or repair of the work or any officer appointed by the Provincial Government in this behalf to maintain or repair it.

(3) The amount of the expenses incurred by such person or officer for maintaining or repairing the work shall be recovered from the owner and paid to such person or to the Provincial Government, as the case may be. If any dispute arises as to the amount of expenses incurred for maintaining or repairing the work, the decision of the Collector shall be final.

CHAPTER V.

MISCELLANEOUS.

Amounts to be recoverable as arrears of land revenue. 15. All amounts due under sections 11, 12, ¹[14 and 25A] shall be recoverable as arrears of land revenue.

Right of entry. 16. For the purpose of preparing, sanctioning or executing any scheme, any person authorised by the Board or the Collector may, after giving such notice as may be prescribed, to the owner, occupier or other person interested in any land, enter upon, survey and mark out such land and do all acts necessary for such purpose.

Inquiries to be held summarily. 17. (1) Any authority other than a Board empowered under this Act to make an inquiry shall make the inquiry in the manner provided for holding a summary inquiry under the Bombay Land Revenue Code, 1879, and all the provisions contained in the said Code relating to the holding of a summary inquiry shall, so far as may be, apply.

(2) Such authority as well as a Board shall have the same powers for summoning and enforcing the attendance of any person and examining him on oath and compelling the production of documents as are vested in the revenue officers under the Bombay Land Revenue Code, 1879.

Permission to owners to increase rent on account of improvements effected. 18. Notwithstanding anything contained in any other law for the time being in force, it shall be lawful for the owner of any land included in a scheme to enhance the rent payable by a tenant of the land by such amount and subject to such conditions as may be prescribed.

¹The figures, word and letter "14 and 25A" were substituted for the word and figures "and 14" by Bom. 3 of 1944, s. 4.

XVI of
1908.

19. (1) Nothing in the Indian Registration Act, 1908, shall be deemed to require the registration of any document, plan, or map prepared, made or sanctioned in connection with a scheme which has come into force.

Registration of document, plan or map in connection with land improvement scheme not required.

XVI of
1908.

(2) All such documents, plans and maps shall, for the purpose of sections 48 and 49 of the Indian Registration Act, 1908, be deemed to be registered in accordance with the provisions of that Act :

Provided that documents, plans and maps relating to the sanctioned scheme shall be accessible to the public in the manner prescribed.

20. The Provincial Government may by notification in the Official Gazette delegate to any officer any of the powers conferred on it by sub-section (2) of section 9 and sub-section (2) of section 14 of this Act.

Delegation of powers by Provincial Government.

21. The Collector may delegate to any revenue officer subordinate to him any of the powers conferred on him by or under this Act.

Delegation of powers by Collector.

22. The members and Secretary of a Board, the Inquiry Officer and any officer or person authorised or appointed by the Board, the Collector or the Provincial Government under sub-section (2) of section 4, sub-section (1) of section 11, sub-section (2) of section 12, section 16 or sub-section (2) of section 25, as the case may be, shall be deemed to be public servants within the meaning of the Indian Penal Code.

Certain officers to be public servants.

XLV of
1860.

23. (1) No suit, prosecution or other legal proceedings shall be instituted against any public servant or person duly authorised under this Act in respect of anything in good faith done or intended to be done under this Act or the rules made thereunder.

Protection of persons acting in good faith and limitation of suits and prosecutions.

(2) No suit or prosecution shall be instituted against any public servant or person duly authorised under this Act in respect of anything done or intended to be done, under this Act, unless the suit or prosecution has been instituted within six months from the date of the act complained of.

24. (1) The Provincial Government may, by notification published in the Official Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may be made to determine the following matters, namely :—

(i) the matters to be prescribed under clause (ix) of sub-section (1) and clause (vii) of sub-section (2) of section 4 ;

(ii) the manner in which notices under sections 5, 11 and 16 shall be given, served or published ;

(iii) the particulars to be prescribed under clause (vii) of sub-section (1) of section 8 ;

(iv) the manner of publication of a scheme under sub-section (3) of section 9 ;

(v) the manner of preparing and revising the record of rights and liabilities under section 13 and the matters to be prescribed under clause (v) of sub-section (1) of the said section 13 ;

(vi) the extent of enhancement of rent and the conditions subject to which the enhancement may be made under section 18 ;¹

(vii) the manner in which documents, plans and maps shall be made accessible to the public under section 19 ;

²[(viii) the number of equated annual instalments payable under sub-section (2) of section 25A.]

(3) The rules made under this section shall be subject to the condition of previous publication.

Power of
Provincial
Government
to direct
preparation
of scheme
in certain
circum-
stances.

25. (1) Notwithstanding anything contained in this Act, the Provincial Government may direct the preparation of a land improvement scheme providing for any of the matters specified in sub-section (1) of section 4 ³[in any case in which the Provincial Government or any trust may contribute not less than 25 per cent. of the cost of the scheme, or] in any area in which the Provincial Government declares that a state of famine or scarcity prevails or in which in the opinion of the Provincial Government a state of famine or scarcity is likely to prevail ⁴[or land improvement is necessary in the interests of any members of His Majesty's forces, whether in service or retired, or of their dependents].

(2) On such direction being issued the person appointed by the Provincial Government in this behalf shall prepare in accordance with such instructions as the Provincial Government may issue a draft scheme containing the particulars specified in sub-section (2) of section 4 and a copy of the draft scheme shall be kept for inspection and a general notice regarding the scheme shall be published in the manner provided in section 5. After the expiry of thirty days from the date of such publication the Inquiry Officer whom the Board shall appoint for the purpose shall proceed to inquire into the claims and objections, if any, which may be made or submitted by any persons and shall hear and decide any other matter which may be required to be heard and decided by or under the provisions of this Act.

(3) After the inquiry under sub-section (2) is completed the Inquiry Officer shall make a report containing the particulars specified in section 8 to the Provincial Government

¹The word " and " was deleted by Bom. 3 of 1944, s. 5 (1).

²Clause (viii) was inserted, *ibid.*, s. 5 (2).

³These words and figures were inserted, *ibid.*, s. 6 (i) (a).

⁴These words were added, *ibid.*, s. 6 (i) (b).

through the Collector and the Board and thereupon the Provincial Government may sanction the scheme with or without modifications.

(4) After the Provincial Government has sanctioned the scheme under sub-section (3) the provisions of sections 10 to 23 and the rules made under section 24 shall apply in respect of the scheme as if it were sanctioned by the Board.

¹(5) Notwithstanding anything contained in sub-section (4), the owner of the land on which any work or part of work has been carried out for the purposes of a scheme under this section shall be liable, pending the preparation of the record of rights and liabilities under section 13, to maintain the work or part of the work as the case may be to the satisfaction of the Collector and also to repair it to his satisfaction within such time as he may fix :

Provided that if, in the opinion of the Collector, the owner of any other land should share such liability, the Collector may by order in writing so direct and thereupon the liability shall be shared accordingly.

The provisions of sub-sections (2) and (3) of section 14 shall apply in respect of the liability under this sub-section.

25A. (1) Notwithstanding anything contained in sections 8 and 11, the Provincial Government may, in the case of any scheme which has come into force under section 10, direct that the work under the scheme to be carried out by the owners of the lands shall be carried out by the Provincial Government and that the cost of such work shall be recovered from the owners of the lands included in the scheme in such proportion as the Provincial Government may fix having regard to the area or assessment or both of the lands of such owners included in the scheme.

Provincial Government may carry out works in scheme and subsequently recover cost from owners of lands.

(2) The cost directed to be recovered under sub-section (1), with interest at such rate as the Provincial Government may direct, shall be recoverable from the owners concerned in such number of equated annual instalments payable on the date appointed for the payment of the first instalment of land revenue as may be prescribed.

26. The expenditure incurred by the Provincial Government in pursuance of anything done under this Act shall be charged on the revenues of the Province.

Expenditure incurred by Provincial Government to be charged on revenues of Province.

¹ This sub-section was added by Bom. 3 of 1944, s. 6 (ii).

² This section was added, *ibid*, s. 7.

BOMBAY ACT No. XXIX OF 1942.¹

[THE BOMBAY CO-OPERATIVE SOCIETIES (AMENDMENT)
ACT, 1942.]

[11th February 1943.]

**An Act to amend the Bombay Co-operative Societies
Act, 1925.²**

Bom. VII
of 1925.

WHEREAS it is expedient to amend the Bombay Co-operative Societies Act, 1925, for the purpose hereinafter appearing ;

26 Geo. V,
Ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the Bombay Co-operative Societies (Amendment) Act, 1942. Short title.

Bom. VII
of 1925.

2. After section 24 of the Bombay Co-operative Societies Act, 1925, the following new section shall be inserted, Insertion of new Section 24-A in Bom. VII of 1925.
namely :—

“24-A. (1) A member of a society may execute an agreement in favour of the society providing that his employer shall be competent to deduct from the salary or wages payable to him by the employer such amount as may be specified in the agreement and to pay the amount so deducted to the society in satisfaction of any debt or other demand owing by the member to the society. Deduction from salary to meet society's claim in certain cases.

(2) On the execution of such agreement the employer shall, if so required by the society by a requisition in writing and so long as such debt or demand or any part of it remains unpaid, make the deduction in accordance with the agreement and pay the amount so deducted to the society.

(3) The provisions of this section shall also apply to all such agreements of the nature referred to in sub-section (1) as were in force on the date of the commencement of the Bombay Co-operative Societies (Amendment) Act, 1942.

(4) Nothing contained in this section shall apply to persons employed on Federal railways (within the meaning of the Government of India Act, 1935), mines and oil-fields.”

26 Geo. V,
Ch. 2.

¹ For Statement see *Bombay Government Gazette*, 1943, Part IV, pp. 61 and 62.

² See Bombay Code, Vol. V, p. 177.

THE BOMBAY COTTON CONTROL ACT, 1942.

CONTENTS.**PREAMBLE.****SECTIONS.**

1. Short title and extent.
2. Definitions.
3. Power to fix in any area variety of cotton which may be cultivated etc.
4. Penalty.
5. Confiscation.
6. Procedure in confiscation.
7. Compounding.
8. Power of entry and seizure.
9. Duty of owner, occupier and person in charge to give facilities for inspection by authorized officer.
10. Previous sanction and limitation on prosecution.
11. Cognizance of offences.
12. Protection for acts done under this Act.
13. Officer acting under the Act to be public servant.
14. Rules.
15. Repeal.

BOMBAY ACT No. XXX OF 1942.¹

[THE BOMBAY COTTON CONTROL ACT, 1942.]

[2nd March 1943.]

An Act to provide for regulation and prohibition of the cultivation of any variety of cotton, of the mixing of the prohibited variety of cotton with other cotton and of the possession or use of, or trade in, the prohibited variety of cotton in any part of the Province of Bombay.

WHEREAS it is expedient in the best interests of the growers of cotton in certain areas in the Province of Bombay, the cotton trade and the economic prosperity of the said Province to maintain the quality and reputation of the cotton grown in those areas, and for that purpose in such areas, to fix the variety of cotton to be grown, to prohibit the cultivation of any variety of cotton, to prohibit the mixing of the prohibited variety of cotton with any other cotton and to prohibit or restrict the possession or use of, or trade in, the prohibited variety of cotton ;

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. (1) This Act may be called the Bombay Cotton Control Act, 1942. Short title and extent.

(2) It extends to the whole of the Province of Bombay.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) “controlled area” means an area specified in a notification under section 3 ;

(b) “cotton” includes cotton plant, ginned and unginned cotton, cotton waste and cotton seed ;

(c) “Director of Agriculture” means the officer appointed for the time being to be the Director of Agriculture ;

(d) “prohibited variety of cotton” for any area means the variety of cotton the cultivation of which is prohibited in such area under sub-clause (ii) of clause (a) of sub-section (2) of section 3 ;

(e) “standard cotton” for any area means the variety of cotton the cultivation of which is permitted in such area under sub-clause (i) of clause (a) of sub-section (2) of section 3.

¹For Statement see *Bombay Government Gazette*, 1943, Part IV, pp. 72 and 73.

Power to fix in any area variety of cotton which may be cultivated etc.

3. (1) (a) The Provincial Government may, by notification in the Official Gazette, in respect of any local area specified in the notification, declare its intention of—

(i) fixing the variety of cotton the cultivation of which shall be permitted in such area,

(ii) prohibiting the cultivation of any other variety of cotton in such area,

(iii) prohibiting in such area the mixing of the variety of cotton specified in sub-clause (ii) with any standard cotton, and

(iv) prohibiting or restricting in such area the possession or use of, or trade in the variety of cotton specified in sub-clause (ii), whether or not mixed with any standard cotton.

(b) Every such notification shall also be published in the regional language of the area and in such manner as the Collector thinks fit at the office of the Mamlatdar or Mahalkari in such area and in every town and village, persons residing in which are, in the opinion of the Collector, likely to be affected by such notification.

(c) Every such notification shall state that any objection or suggestion which may be received by the Provincial Government within the period specified in the notification, which shall be not less than three months from the date of the notification, shall be considered by the Provincial Government.

(2) (a) After the expiry of the period specified in the notification issued under sub-section (1) and after considering such objections and suggestions as may be received by it within such period, the Provincial Government may, by notification in the Official Gazette, in respect of the local area specified in the notification issued under sub-section (1) or any part thereof—

(i) fix the variety of cotton the cultivation of which is permitted in such area,

(ii) prohibit the cultivation of any other variety of cotton in such area,

(iii) prohibit in such area the mixing of the variety of cotton specified in sub-clause (ii) with any standard cotton, and

(iv) prohibit or restrict in such area the possession or use of, or trade in the variety of cotton specified in sub-clause (ii) whether or not mixed with any standard cotton.

(b) Every such notification shall also be published in the regional language of the area and in such manner as the Collector thinks fit at the office of the Mamlatdar or Mahalkari in such area and in every town and village, persons residing in which are, in the opinion of the Collector, likely to be affected by such notification.

4. Any person, who in any controlled area, knowingly ^{Penalty.} and in contravention of the provisions of this Act or of any notification issued or rule made thereunder—

(a) cultivates any prohibited variety of cotton shall, on conviction, be punishable with fine which may extend to twenty rupees for the first offence and to fifty rupees for every subsequent offence,

(b) (i) mixes or causes to be mixed any prohibited variety of cotton with the standard cotton, or

(ii) possesses, uses or trades in, any prohibited variety of cotton, whether mixed with the standard cotton or not, shall, on conviction, be punishable with fine which may extend to five hundred rupees for the first offence and to one thousand rupees for every subsequent offence.

5. Whenever an offence under this Act has been com- ^{Confiscation.} mitted, all cotton in respect of which an offence has been committed and every box, receptacle, package or covering in which such cotton is contained shall be liable to confiscation.

6. (1) When in any case tried by a criminal court, the court decides that anything is liable to confiscation under ^{Procedure in} section 5, it may, after hearing the person, if any, claiming any right thereto and the evidence, if any, which he produces in support of his claim, order confiscation. ^{confiscation.}

(2) When an offence under this Act has been committed and the offender is not known or cannot be found or when anything liable to confiscation under this Act and not in the possession of any person cannot be satisfactorily accounted for, the officer authorised by the Provincial Government in this behalf may hold an inquiry and may order confiscation :

Provided that no such order shall be made before the expiration of one month from the date of seizing the thing liable to confiscation or without hearing the person, if any, claiming any right thereto and the evidence, if any, which he produces in support of his claim.

7. (1) The officer authorised under sub-section (2) of ^{Compound-} section 6 may accept from any person who is reasonably ^{ing.} suspected of having committed an offence under section 4, a sum of money as may be prescribed by rules made under section 14 by way of composition for such offence.

(2) On payment of such sum, such person, if in custody, shall be set at liberty and if proceedings in any criminal court have been instituted against such person in respect of such offence, the composition shall be deemed to amount to an acquittal and no further proceedings shall be taken against such person in respect of such offence.

(3) Notwithstanding anything contained in sub-section (2), it shall be lawful for the Court or the officer authorised under sub-section (2) of section 6 to order confiscation of anything liable to confiscation under section 5.

Power of
entry and
seizure.

8. (1) Any officer authorised in this behalf by the Provincial Government may between the hours of 6 a.m. and 6 p.m.—

(a) enter upon any land in a controlled area in which he knows or has reason to believe that any prohibited variety of cotton has been or is being cultivated in contravention of a notification under section 3, uproot or cause to be uprooted such cotton and seize the cotton so uprooted ; or

(b) enter upon or into any land, building, ship, vessel, vehicle or place in a controlled area in which he knows or has reason to believe that any prohibited variety of cotton, whether mixed with the standard cotton or not, is kept in contravention of a notification under section 3, and seize such cotton.

(2) Every officer seizing any cotton under this section shall forthwith—

(a) make a report of such seizure to the nearest Magistrate of the First or Second Class having jurisdiction to try the offence committed in respect of such cotton specifying in such report the particulars of such cotton and furnish a copy of such particulars to the occupier, or person in charge of the land, building, ship, vessel, vehicle or place on or in which such seizure was made, and

(b) subject to rules made under section 14, forward such cotton to the nearest officer authorised by the Provincial Government for examination and for report to the Director of Agriculture.

(3) The opinion of the officer authorised under subsection (2) regarding such cotton recorded in any document signed by such officer shall be evidence as to the nature of such cotton in any inquiry, trial or proceeding under this Act.

Duty of
owner,
occupier
and person
in charge
to give
facilities for
inspection by
authorised
officer.

9. (1) Every owner, occupier, or person, in charge, of any land, building, ship, vessel, vehicle or place shall give all reasonable facilities to the officer, authorised under subsection (1) of section 8, to inspect such land, building, ship, vessel, vehicle or place.

(2) Any person who contravenes the provisions of subsection (1) shall, on conviction, be punishable with fine which may extend to twenty rupees.

Previous
sanction and
limitation on
prosecution.

10. No prosecution under this Act shall be instituted without the previous sanction of the Director of Agriculture.

Cognizance of
offences.

11. No criminal court inferior to that of a Presidency Magistrate or a Magistrate of the Second Class shall try any offence under this Act.

12. No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act.

Protection for acts done under this Act.

13. Every officer acting or purporting to act in pursuance of the provisions of this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Officer acting under the Act to be public servant.

XLV of 1860.

14. (1) The Provincial Government may make rules not inconsistent with the provisions of this Act for the purpose of carrying into effect the purposes of this Act.

Rules.

(2) In particular and without prejudice to the generality of the foregoing provision, the Provincial Government may make rules for all or any of the following purposes, namely :—

(a) to prescribe the sum of money to be paid by way of composition under section 7 ;

(b) to prescribe the conditions subject to which cotton seized may be forwarded under section 8.

(3) Any such rule may provide that a contravention thereof shall be punishable with fine which may extend to fifty rupees.

(4) Rules made under this section shall be subject to the condition of previous publication in the *Official Gazette*.

Bom. XXXV of 1935.

15. The Bombay Cotton Control Act, 1935,¹ is hereby repealed :

Bom. XXXV of 1935.

Provided that any notification issued under section 3 of the Bombay Cotton Control Act, 1935, shall be deemed to be issued under sub-section (2) of section 3 of this Act unless and until superseded by any notification issued under the said sub-section :

Bom. XXXV of 1935.

Provided further that any proceeding in respect of any offence under the Bombay Cotton Control Act, 1935, pending at the date of the coming into force of this Act shall be continued and disposed of as if this Act had not been passed.

¹ See Bombay Code, Vol. VI, p. 259.

THE INDIAN POST OFFICE (BOMBAY AMENDMENT) REGULATION, 1942.

CONTENTS.

PREAMBLE.**Sections.**

1. Short title and extent.
2. Amendment of section 7 of Act VI of 1898.
3. Repeal of the First Schedule to Act VI of 1898.

BOMBAY REGULATION No. I OF 1942.

[THE INDIAN POST OFFICE (BOMBAY AMENDMENT)
REGULATION, 1942.]

[2nd July 1942.]

A Regulation to amend the Indian Post Office Act, 1898,¹ in its application to the Partially Excluded Areas in the Province of Bombay.

VI of
1898.

WHEREAS it is expedient to amend the Indian Post Office Act, 1898, in its application to the Partially Excluded Areas in the Province of Bombay for the purpose hereinafter appearing ;

26 Geo. 5,
Ch. 2.

NOW, THEREFORE, in exercise of the powers conferred by sub-section (2) of section 92 of the Government of India Act, 1935, the Governor of Bombay is pleased to make the following Regulation, namely :—

1. (1) This Regulation may be called the Indian Post Office (Bombay Amendment) Regulation, 1942. Short title
and extent.

(2) It extends to all the Partially Excluded Areas in the Province of Bombay.

VI of
1898.

2. In section 7 of the Indian Post Office Act, 1898, hereinafter called the said Act,— Amendment
of section 7
of Act VI of
1898.

(a) the proviso to sub-section (1) shall be deleted ;
and

(b) for sub-section (2) the following sub-section shall be substituted, namely :—

“(2) Unless and until such notification as aforesaid is issued, the rates chargeable for the time being in the rest of British India shall be the rates chargeable in the Partially Excluded Areas in the Province of Bombay.”

3. The First Schedule to the said Act shall be repealed. Repeal of
the First
Schedule to
Act VI of
1898.

¹ Central Acts, Vol. IV.

THE BOMBAY RATIONING PREPARATORY MEASURES ACT, 1943.

CONTENTS.

PREAMBLE.**Sections.**

1. Short title, extent and commencement.
2. Definitions.
3. Power to number premises and collect information about persons.
4. Asking of questions and obligation to answer.
5. Right of access.
6. Penalties.
7. Bar of proceedings.
8. Sanction for prosecution.

BOMBAY ACT No. I OF 1943.¹**[THE BOMBAY RATIONING PREPARATORY MEASURES
ACT, 1943.]**

[8th January 1943.]

An Act to provide for the numbering of premises and collecting information about persons as measures preparatory to the rationing of articles or things essential to the life of the community.

WHEREAS it is expedient to provide for the numbering of premises and collecting information about persons as measures preparatory to the rationing of articles or things essential to the life of the community ;

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

Now, THEREFORE, in exercise of the said powers the Governor of Bombay is pleased to make the following Act :—

1. (1) This Act may be called the Bombay Rationing Preparatory Measures Act, 1943. Short title,
extent and
commence-
ment.

(2) This section shall come into force at once. The Provincial Government may by a notification in the Official Gazette direct that the other provisions of the Act shall come into force in any area in the Province of Bombay on such date as may be specified in the notification.

2. In this Act unless there is anything repugnant in the subject or context,— Definitions.

(1) " Inquiry Officer " means a person authorised under clause (b) of sub-section (1) of section 3 and includes any person appointed to assist him under sub-section (2) of section 3.

(2) " Numbering Officer " means a person authorised under clause (a) of sub-section (1) of section 3 and includes any person appointed to assist him under sub-section (2) of section 3.

3. (1) If in the opinion of the Provincial Government it is necessary or expedient to carry out any of the following measures as preparatory to the rationing of any article or thing essential to the life of the community, the Provincial Government may— Power to
number pre-
mises and
collect infor-
mation about
persons.

(a) authorise any person in respect of any area to paint on or affix to any premises in that area such letters, marks or numbers as may be necessary for facilitating their identification ;

(b) authorise any person in respect of any area to collect information and statistics necessary for the rationing in respect of all persons in that area.

¹ For Statement see *Bombay Government Gazette*, 1943, Part IV, p. 22.

(2) The person authorised under sub-section (1) may by order in writing appoint any other person or persons to assist him in carrying out the measures.

Asking of questions and obligation to answer. 4. (1) An Inquiry Officer may ask of any person such questions for the purpose of collecting information and statistics relating to the rationing of articles or thing essential to the life of the community as the Provincial Government may notify in the Official Gazette.

(2) Every person of whom a question is asked under sub-section (1) shall be legally bound to answer such question to the best of his knowledge and belief, and if so required by the Inquiry Officer, to answer it in writing with his name signed thereto.

Right of access. 5. Every person occupying any premises shall allow the Numbering Officer or Inquiry Officer such access thereto as he may require for the purpose of his work :

Provided that in requiring access due regard shall be paid by such Officer to the social and religious customs of the occupier.

Penalties. 6. (a) Any Inquiry Officer who knowingly makes any false returns in connection with any inquiry conducted by him ; or

(b) any person who voluntarily obstructs a Numbering Officer or Inquiry Officer exercising any powers or performing any duties under this Act ; or

(c) any person who intentionally gives a false answer to or refuses to answer to the best of his knowledge or belief any question asked of him which he is legally bound by section 4 to answer ; or

(d) any person who gives to any Inquiry Officer information which he knows or believes to be false intending thereby to cause or knowing it to be likely that he will thereby cause the Inquiry Officer to do or omit anything which he ought not to do or omit if the true state of facts respecting which the information is given were known to him ; or

(e) any person occupying any premises who refuses to allow access to a Numbering Officer or Inquiry Officer as required by section 5 ; or

(f) any person who removes, obliterated, alters or damages before such date as the Provincial Government may in relation to any area specify in this behalf any letters, marks or numbers which have been painted on or affixed to the premises by a Numbering Officer ; shall be punishable with rigorous imprisonment which may extend to six months and shall also be liable to fine which may extend to five hundred rupees.

Bar of proceedings. 7. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act.

Sanction for prosecution. 8. No prosecution under this Act shall be instituted without the previous sanction of the Provincial Government or such officer as the Provincial Government may authorise in this behalf.

BOMBAY ACT No. II OF 1943.¹

[THE CITY OF BOMBAY MUNICIPAL (AMENDMENT)
ACT, 1943.]

[5th March 1943.]

An Act to amend the City of Bombay Municipal Act, 1888.²

Bom. III
of 1888.

WHEREAS it is expedient to amend the City of Bombay Municipal Act, 1888, for the purposes hereinafter appearing ;

28 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the City of Bombay Municipal Short title.
(Amendment) Act, 1943.

Bom. III
of 1888.

2. In sub-section (2) of section 68 of the City of Bombay Amendment Act, 1888 (hereinafter called the said Act), after of section 68 the entry "Section 189" the following entries shall be of Bom. III inserted, namely :— of 1888.

"Section 191A, sub-sections (3) and (5).

Section 191B, sub-sections (1), (3), (4) and (5)."

3. After section 191 of the said Act, the following heading Insertion
and sections shall be inserted, namely :— of new
sections 191A,
191B, 191C
and 191D in
Bom. III of
1888.

"Dogs.

191A. (1) A tax not exceeding five rupees per annum Tax on dogs.
shall be levied on every dog kept within the city and not
under the age of six months.

(2) Every person who owns or is in charge of any dog on
which a tax is leviable under sub-section (1) shall be
liable for such tax.

(3) (a) Every person who owns or is in charge of any
dog shall, before the first day of May in each official year,
forward to the Commissioner a return signed by
him containing information regarding the age of such dog
and his name and address.

(b) Every person who after the first day of May in any
official year becomes the owner or takes charge of any dog
shall, within one week from the date on which he becomes
the owner or takes charge of the dog, forward to
the Commissioner a like return, signed by him.

¹ For Statement see *Bombay Government Gazette*, 1943, Part IV,
pp. 77 and 78.

² See *Bombay Code*, Vol. III, p. 1.

(4) The tax shall be payable for every official year in advance on the first day of May :

Provided that—

(i) in respect of a dog which attains the age of six months after the first day of May, the tax shall be payable immediately after the expiry of one week from the day on which the dog attains such age, and

(ii) in cases in which a person becomes the owner or takes charge of any dog, not under the age of six months, after the first day of May, the tax shall be payable immediately after the expiry of one week from the day on which he becomes the owner or takes charge of such dog :

Provided further that the tax shall not be payable more than once for the same official year in respect of any dog.

(5) The Commissioner shall maintain a register showing the persons liable to pay the tax under this section.

License and
number-
ticket for
and disposal
of dogs.

191B. (1) When the owner or person in charge of any dog has paid the tax leviable on such dog, the Commissioner shall—

(a) grant him a license to keep such dog during the official year for which the tax has been paid ; and

(b) provide him with a number-ticket, the number of which shall be specified in the license.

(2) The owner or person in charge of any dog so licensed shall at all times cause the said number-ticket to be kept attached to the collar or otherwise suspended from the neck of the dog.

(3) Any dog which has no number-ticket so attached or suspended—

(i) shall be presumed to be a dog in respect of which no license has been granted, and

(ii) may be seized by the police or by any officer duly authorized by the Commissioner in this behalf, and detained until the tax due, if any, has been paid.

(4) If any person, within three days from the date of such seizure, satisfies the Commissioner that he is the owner or person in charge of such dog, the Commissioner shall order it to be delivered to such person on payment of the tax, if any due, and the costs incurred by the Commissioner by reason of its detention.

(5) If, within the said three days, no person satisfies the Commissioner that he is the owner or person in charge of the dog and pays the said tax and costs, the Commissioner may cause the dog either—

(a) to be destroyed, or

(b) to be sold and the proceeds of the sale, after deducting therefrom the said tax and costs (together with the costs of

sale) to be paid to any person who within six months from the date of such sale, establishes to the satisfaction of the Commissioner his claim to such proceeds.

191C. No suit, prosecution or other legal proceeding shall be instituted against any person in respect of any act done in good faith in pursuance of the provisions of sub-sections (3), (4) and (5) of section 191B. Protection of persons acting in good faith.

191D. Nothing contained in sections 180 to 182, 185 to 188, 190, 191, 198 and the second sentence of sub-section (2) of section 200 shall apply in respect of the tax leviable under section 191A. Certain sections not to apply.

4. In the table appended to section 471 of the said Act, after the entry relating to section 188, the following entry shall be inserted, namely :— Amendment of section 471 of Bom. III of 1888.

Section, sub-section or clause.	Subject.	Fine which may be imposed.
1	2	3
Section 191A, sub-section (3).	Return to be forwarded by an owner or person in charge of a dog.	Fifty rupees.

BOMBAY ACT No. III OF 1943.¹**[THE BOMBAY FINANCE (AMENDMENT) ACT, 1943.]****[30th March 1943.]****An Act to amend the Bombay Finance Act, 1932.²**Bom. II
of 1932.

WHEREAS it is expedient to amend the Bombay Finance Act, 1932, for the purposes hereinafter appearing ;

26 Geo.
5, c. 2,

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

Now, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. (1) This Act may be called the Bombay Finance (Amendment) Act, 1943.

Short title
and com-
mencement..

(2) It shall come into force on the 31st day of March 1943.

Bom. II
of 1932.

2. In sub-section (3) of section 2 of the Bombay Finance Act, 1932 (hereinafter called the said Act), for the word "eleven" the word "twelve" shall be substituted.

Amendment
of section 2
of Bom. II of
1932.

3. In clause (a) of section 17 of the said Act, for the words "notified area", the word "village" shall be substituted and shall be deemed to have been substituted with effect from the 1st day of April 1941.

Amendment
of section 17
of Bom. II of
1932.

¹For Statement See *Bombay Government Gazette*, 1943, Part IV, p. 84.

²See Bombay Code, Vol. VI, p. 7.

BOMBAY ACT No. IV OF 1943.¹

[THE BOMBAY RENT RESTRICTION (AMENDMENT) ACT, 1943.]

[30th March 1943.]

An Act to amend the Bombay Rent Restriction Act, 1939.²Bom.
XVI
of 1939.

WHEREAS it is expedient to amend the Bombay Rent Restriction Act, 1939, for the purpose hereinafter appearing ;

26 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

Now, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. (1) This Act may be called the Bombay Rent Restriction (Amendment) Act, 1943. Short title
and commen-
cement.

(2) It shall come into force on the 31st day of March 1943.

Bom.
XVI
of 1939.

2. In sub-section (3) of section 1 of the Bombay Rent Restriction Act, 1939, for the figures "1943" the figures "1944" shall be substituted. Amendment
of section 1
of Bom. XVI
of 1939.

¹For Statement See *Bombay Government Gazette*, 1943, Part IV, p. 85.

²See 2nd Supplement to Bombay Code, p. 81.

BOMBAY ACT No. V OF 1943.¹**[THE BOMBAY SMALL HOLDERS RELIEF (AMENDMENT)
ACT, 1943.]***[30th March 1943.]***An Act to amend the Bombay Small Holders Relief Act, 1938.²**

Bom.
VIII
of 1938.

WHEREAS it is expedient to amend the Bombay Small Holders Relief Act, 1938, for the purposes hereinafter appearing ;

26 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

Now, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. (1) This Act may be called the Bombay Small Holders Relief (Amendment) Act, 1943. Short title
and com-
mencement.

(2) It shall come into force on the 31st day of March 1943.

Bom.
VIII
of 1938.

2. In sub-section (3) of section 1 of the Bombay Small Holders Relief Act, 1938, hereinafter called "the said Act", for the figures "1943" the figures "1945" shall be substituted. Amendment
of section 1
of Bom. VIII
of 1938.

3. In sub-section (2) of section 3 of the said Act, for the words "five years" wherever they occur, the words "seven years" shall be substituted. Amendment
of section 3 of
Bom. VIII of
1938.

4. In sub-section (1) of section 4 of the said Act, for the figures "1943" the figures "1945" shall be substituted. Amendment
of section 4
of Bom. VIII
of 1938.

5. In sub-section (1) of section 9 of the said Act, for the figures "1942" where they occur for the first time, the figures and words "1943 and the 15th day of May 1944", and for the figures "1942" where they occur for the second time, the figures and words "1943 and the 30th day of June 1944, respectively" shall, respectively, be substituted. Amendment
of section 9
of Bom. VIII
of 1938.

¹For Statement *See Bombay Government Gazette*, 1943, Part IV, p. 86.

²*See 1st Supplement to Bombay Code*, p. 43.

BOMBAY ACT No. VI OF 1943.¹

[THE CITY OF BOMBAY MUNICIPAL (SECOND AMENDMENT)
ACT, 1943.]

[13th April 1943.]

An Act to amend the City of Bombay Municipal Act, 1888.²

Bom. III
of 1888.

WHEREAS it is expedient to amend the City of Bombay Municipal Act, 1888, for the purpose hereinafter appearing ;

26 Geo. 5,
ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation, dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

Now, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the City of Bombay Municipal Short title.
(Second Amendment) Act, 1943.

2. To clause (c) of sub-section (2) of section 74 of the City Amendment
of Bombay Municipal Act, 1888, the following proviso shall of section 74
be added, namely :— of Bom. III
of 1888.

Bom.
XIII of
1938.

“ Provided that the person holding the office of the Municipal Hydraulic Engineer at the commencement of the City of Bombay Municipal (Third Amendment) Act, 1938, shall, so long as he continues to hold the said office, receive a monthly salary not exceeding Rs. 1,800. ”

¹For Statement see *Bombay Government Gazette*, 1943, Part IV, p. 88.

²See *Bombay Code*, Vol. III, p. 1.

BOMBAY ACT No. VII OF 1943.¹**[THE BOMBAY PREVENTION OF PROSTITUTION (AMENDMENT)
ACT, 1943.]**

[6th May 1943.]

**An Act to amend the Bombay Prevention of Prostitution
Act, 1923.²**Bom. XI
of 1923.

WHEREAS it is expedient to amend the Bombay Prevention of Prostitution Act, 1923, for the purposes hereinafter appearing ;

26 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

Now, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the Bombay Prevention of Short title.
Prostitution (Amendment) Act, 1943.

Bom. XI
of 1923.

2. After section 9 of the Bombay Prevention of Prostitution Act, 1923, (hereinafter called "the said Act ") of new section 9A in Bom. XI of 1923.
the following new section shall be inserted, namely :—

"9A. (1) In any case where the Commissioner of Police causes a notice to be served in reference to any house, room or place under sub-section (1) of section 9, he may, if he thinks fit, cause a notice to be served on the landlord or lessor or the agent of such landlord or lessor in charge of the said house, room or place, requiring him not to permit the said house, room or place or any other room in the same house to be used for carrying on the business of a common prostitute.

Commissioner of Police to serve notice on landlord not to permit house etc. to be used for prostitution.

(2) Any person, who having received a second notice under sub-section (1) of this section knowingly permits the said house, room or place or any other room in the same house to be used for carrying on the business of a common prostitute after the date mentioned in the corresponding notice caused to be served in reference to the said house, room or place under sub-section (1) of section 9, shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

Offence of so permitting after second notice.

¹For Statement see *Bombay Government Gazette*, 1943, Part IV, p. 139.

²See *Bombay Code*, Vol. V, p. 107.

Presumption
as to
knowledge.

(3) In all prosecutions under this section, when any house, room or place is proved to have been used for carrying on the business of a common prostitute it shall be presumed that it was knowingly permitted to be so used, unless the accused proves that he had made all necessary inquiries and had no reason to believe at the time when the house, room or place was let that the tenant was a prostitute and that he had taken all reasonable steps to prevent its use for carrying on the business of a common prostitute."

Amendment
of section 12
of Bom. XI
of 1923.

3. In section 12 of the said Act for the word and figure " or 8 ", the figures, letter and word " 8 and 9A " shall be substituted.

BOMBAY ACT No. IX OF 1943.¹

[THE WASTE LANDS (CLAIMS) (BOMBAY REPEAL) ACT, 1943.]

[27th October 1943.]

An Act to repeal the Waste Lands (Claims) Act, 1863,² in its application to the Province of Bombay.

XXIII
of 1863.

WHEREAS it is expedient to repeal the Waste Lands (Claims) Act, 1863, in its application to the Province of Bombay ;

26 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation, dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

Now, THEREFORE, in exercise of the said powers the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the Waste Lands (Claims) Short title.
(Bombay Repeal) Act, 1943.

XXIII
of 1863.

2. The Waste Lands (Claims) Act, 1863, hereinafter Repeal of
Act XXIII
of 1863.
referred to as the said Act is hereby repealed :

Provided that in respect of any claim preferred or objection taken under the said Act before the date of the commencement of this Act, all the provisions of the said Act shall be given effect to as if this Act had not been passed.

¹For Statement see *Bombay Government Gazette*, 1943, Part IV, p. 241.

²Central Acts, Vol. I.

BOMBAY ACT No. X OF 1943.¹**[THE ARNOLD MARRIAGE VALIDATING ACT, 1943.]****[15th December 1943.]**

An Act to validate the marriage between Albert Charles Arnold and Gwendoline Ethel Scanlon solemnized at Ahmednagar in the Province of Bombay.

WHEREAS the Reverend F. Elgar Leyland, a Methodist Chaplain was, on the 28th March 1938, granted a license under section 6 of the Indian Christian Marriage Act, 1872, to solemnize marriages ;

AND WHEREAS prior to the grant of the said license the said Reverend F. Elgar Leyland in the belief that he was authorised so to do, solemnized on 30th December 1937, the marriage at Ahmednagar between Albert Charles Arnold and Gwendoline Ethel Scanlon ;

AND WHEREAS the parties to the said marriage believed that the said Reverend F. Elgar Leyland was duly authorised to solemnize the same, and that the said marriage was valid in law ;

AND WHEREAS it is expedient that the said marriage, having been solemnized in good faith, should be validated ;

It is hereby enacted as follows :—

1. This Act may be called the Arnold Marriage Validat- Short title.
ing Act, 1943.

2. The marriage between Albert Charles Arnold and Validation
Gwendoline Ethel Scanlon which was solemnized on 30th of marriage
December 1937 at Ahmednagar by the Reverend F. Elgar between
Leyland, a Methodist Chaplain (hereinafter referred to as Albert
"the said marriage") shall be, and shall be deemed to have Charles
been, with effect from the date of solemnization, as good Arnold and
and valid in law as if the said marriage had been solemnized Gwendoline
by a person duly authorised under a license granted under Ethel Scan-
section 6 of the Indian Christian Marriage Act, 1872 (herein- lon.
after referred to as "the said Act").

3. The certificate of the said marriage declared by Validation of
section 2 to be good and valid in law and register-books and records of
certified copies of true and duly authenticated extracts there- said
from, deposited in compliance with the provisions of the said marriage.
Act, in so far as the register-books and the extracts relate
to the said marriage, shall be received as evidence of the
said marriage as if the said marriage had been duly solemn-
ized under the said Act.

¹ For Statement see *Bombay Government Gazette*, 1943, Part IV, p. 259B.

BOMBAY ACT No. XI OF 1943.¹

[THE BOMBAY BETTING TAX (AMENDMENT) ACT, 1943.]

[16th December 1943.]

An Act to amend the Bombay Betting Tax Act, 1925.²

Bom. VI
of 1925.

WHEREAS it is expedient to amend the Bombay Betting Tax Act, 1925, for purposes hereinafter appearing ;

28 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

Now, THEREFORE, in exercise of the said powers the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the Bombay Betting Tax Short title.
(Amendment) Act, 1943.

Bom. VI
of 1925.

2. In section 5 of the Bombay Betting Tax Act, 1925 Amendment
(hereinafter called "the said Act"), for the figure and words of section 5
"4 per cent." the figures and words "10 per cent." shall be of Bom. VI
substituted. of 1925.

3. In section 8 of the said Act, for the figure and words Amendment
"5 per cent." the figures and words "10 per cent." shall be of section 8
substituted. of Bom. VI
of 1925.

¹ For Statement see *Bombay Government Gazette*, 1943, Part IV, p. 268.

² See Bombay Code, Vol. V, p. 171.

BOMBAY ACT No. XII OF 1943.¹**[THE BOMBAY WEIGHTS AND MEASURES (AMENDMENT)
ACT, 1943.]****[22nd December 1943.]****An Act to amend the Bombay Weights and Measures Act, 1932.²**

Bom. XV
of 1932.

WHEREAS it is expedient to amend the Bombay Weights and Measures Act, 1932, for the purpose hereinafter appearing ;

2d Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the Bombay Weights and Measures (Amendment) Act, 1943. Short title.

Bom.
XV of
1932.

2. In section 22 of the Bombay Weights and Measures Act, 1932, after sub-section (1) the following new sub-section shall be inserted, namely :— Amendment
of section 22
of Bom. XV
of 1932.

“(1A) Such Inspector may, at all reasonable times, require any trader or any employee or agent of a trader to produce before him for inspection all weights or measures or weighing or measuring instruments which are in his possession and are kept on any premises used for trade whether such weights or measures or weighing or measuring instruments are used or are in his possession for use for trade or not.”

¹ For Statement see *Bombay Government Gazette*, 1943, Part IV, p. 270.

² See Bombay Code. Vol. VI, p. 47.

BOMBAY ACT No. XIII OF 1943.¹**[THE BOMBAY ENTERTAINMENTS DUTY (AMENDMENT)
ACT, 1943.]**

[28th December 1943.]

An Act to amend the Bombay Entertainments Duty Act, 1923.²Bom. I of
of 1923.

WHEREAS it is expedient to amend the Bombay Entertainments Duty Act, 1923, for the purpose hereinafter appearing ;

26 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the said powers the Governor of Bombay is pleased to make the following Act :—

1. (1) This Act may be called the Bombay Entertainments Duty (Amendment) Act, 1943.

Short title
and com-
mencement.

(2) It shall come into force on the 1st day of January 1944.

2. For sub-section (1) of section 3 of the Bombay Entertainments Duty Act, 1923 (hereinafter called "the said Act") the following shall be substituted, namely :—

Amendment
of section 3
of Bom. I
of 1923.

"(1) There shall from the 1st day of January 1944 be levied and paid to the Government of Bombay on all payments for admission to any entertainment a duty (hereinafter referred to "as entertainments duty") at the following rate, namely :—

where the payment, excluding the amount of duty, is made for admission to a race-course licensed under the Bombay Race-Courses Licensing Act, 1912, 25 per cent. of such payment, and in any other case,

Bom.
III of
1912.

where the payment, excluding the amount of the duty—

- | | |
|---|------------------------|
| (i) does not exceed four annas .. | one anna. |
| (ii) exceeds four annas but does not exceed eight annas .. | two annas. |
| (iii) exceeds eight annas but does not exceed one rupee .. | four annas. |
| (iv) exceeds one rupee but does not exceed two rupees .. | eight annas. |
| (v) exceeds two rupees but does not exceed four rupees .. | one rupee. |
| (vi) exceeds four rupees but does not exceed five rupees .. | one rupee eight annas. |

¹ For Statement see *Bombay Government Gazette*, 1943, Part IV, p. 272.

² See *Bombay Code*, Vol. V, p. 1.

- (vii) exceeds five rupees but does
not exceed ten rupees ... two rupees.
- (viii) exceeds ten rupees, for every
five rupees or part thereof
in excess of the first ten
rupees, in addition to the
payment on the first ten
rupees .. two rupees.

**Amendment
of section 7
of Bom. I of
1923.**

3. For clause (h) of sub-section (1) of section 7 of the said Act, the following shall be substituted, namely—

“(h) for the exemption from entertainments duty or from any part or class thereof of soldiers, sailors and other defence forces in uniform of British and allied nationality.”

THE BOMBAY INCREASE OF STAMP DUTIES ACT, 1943.

CONTENTS.

PREAMBLE.**Sections.**

1. Short title, extent, commencement and duration.
2. Increase of certain stamp duties.
3. Provisions of principal Act so far as not inconsistent to apply for purposes of this Act.

SCHEDULE.

BOMBAY ACT No. XIV OF 1943¹

[THE BOMBAY INCREASE OF STAMP DUTIES ACT, 1943.]

[29th December 1943.]

Amended by

Number of Act	Year.
Bombay Act No. XIX	1944

An Act to provide for increase in certain stamp duties leviable under the Indian Stamp Act, 1899², in its application to the Province of Bombay.

II of
1899. WHEREAS it is expedient to provide for increase in certain stamp duties leviable under the Indian Stamp Act, 1899, in its application to the Province of Bombay ;

26 Geo. 5,
Ch. 2. AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

Now, THEREFORE, in exercise of the said powers the Governor of Bombay is pleased to make the following Act :—

1. (1) This Act may be called the Bombay Increase of Stamp Duties Act, 1943. Short title,
extent,
commence-
ment and
duration.

2) It extends to the whole of the Province of Bombay.

(3) It shall come into force on the 1st day of January 1944 and shall cease to have effect on such date as the Provincial Government may by notification in the *Official Gazette* appoint in this behalf.

II of
1899. 2. Notwithstanding anything contained in the Indian Stamp Act, 1899, in its application to the Province of Bombay (hereinafter called the principal Act) all stamp duties leviable under the principal Act except those leviable in respect of bills of exchange, cheques, promissory notes, bills of lading, letters of credit, policies of insurance, proxies and receipts shall be increased by a surcharge at the rates specified in the Schedule annexed hereto. Increase of
certain stamp
duties.

3. The provisions of the principal Act shall, save in so far as they are inconsistent with anything herein contained, apply for the purposes of this Act. Provisions
of principal
Act so far
as not incon-
sistent to
apply for
purposes of
this Act.

¹ For Statement see *Bombay Government Gazette*, 1943, Part IV, p. 274.

² See Central Acts, Vol. IV.

¹SCHEDULE.

RATES OF SURCHARGE.

Amount of Stamp duty.	Rate of surcharge.
(1) A fraction of a rupee not exceeding 1 anna ..	.. $\frac{1}{2}$ anna.
(2) A fraction of a rupee exceeding 1 anna but not exceeding 2 annas ..	.. 1 anna.
(3) A fraction of a rupee exceeding 2 annas but not exceeding 4 annas ..	.. 2 annas.
(4) A fraction of a rupee exceeding 4 annas but not exceeding 8 annas ..	.. 4 annas.
(5) A fraction of a rupee exceeding 8 annas ..	.. 6 annas.
(6) A whole rupee ..	.. 8 annas.

¹ This Schedule was substituted by Bom. 19 of 1944, s. 2. (Came into force from 1st January 1945.)

THE BOMBAY INCREASE OF COURT-FEES ACT, 1943.

CONTENTS.

PREAMBLE.**Sections.**

1. Short title, extent, commencement and duration.
2. Increase of Court-fees.
3. Provisions of principal Act so far as not inconsistent to apply for purposes of this Act.

SCHEDULE.

BOMBAY ACT NO. XV OF 1943.¹

[THE BOMBAY INCREASE OF COURT-FEES ACT, 1943.]

[29th December 1943.]

An Act to provide for an increase in court-fees leviable under the Court-fees Act, 1870², in its application to the Province of Bombay.

VII of 1870. WHEREAS it is expedient to provide for an increase in court-fees leviable under the Court-fees Act, 1870, in its application to the Province of Bombay ;

26 Geo. 5, Ch. 2. AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

Now, THEREFORE, in exercise of the said powers the Governor of Bombay is pleased to make the following Act :—

1. (1) This Act may be called the Bombay Increase of Court-fees Act, 1943. Short title, extent, commencement and duration.

(2) It extends to the whole of the Province of Bombay.

(3) It shall come into force on the 1st day of January 1944 and shall cease to have effect on such date as the Provincial Government may by notification in the *Official Gazette* appoint in this behalf.

VII of 1870. 2. Notwithstanding anything contained in the Court-fees Act, 1870, in its application to the Province of Bombay Increase of Court-fees. (hereinafter called the principal Act), all fees leviable under the principal Act shall be increased by a surcharge at the rates specified in the Schedule annexed hereto.

3. The provisions of the principal Act shall, save in so far Provisions of principal Act so far as not inconsistent to apply for purposes of this Act. as they are inconsistent with anything herein contained, apply for the purposes of this Act.

SCHEDULE.**RATES OF SURCHARGE.**

Amount of Court-fee.	Rate of surcharge.
	As.
(1) A fraction of a rupee not exceeding four annas	1
(2) A fraction of a rupee exceeding four annas but not exceeding eight annas ..	2
(3) A fraction of a rupee exceeding eight annas	3
(4) A whole rupee	4

¹ For Statement see *Bombay Government Gazette*, 1943, Part IV, p. 276.

² Central Acts, Vol. I.

BOMBAY ACT No. XVI OF 1943.¹

[THE BOMBAY CO-OPERATIVE SOCIETIES (AMENDMENT)
Act, 1943.]

[30th December 1943.]

**An Act to amend the Bombay Co-operative Societies
Act, 1925².**

Bom. VII of 1925. WHEREAS it is expedient to amend the Bombay Co-operative Societies Act, 1925, for the purposes hereinafter appearing ;

26 Geo. 5, Ch. 2. AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the Bombay Co-operative Short title. Societies (Amendment) Act, 1943.

Bom. VII of 1925. 2. In section 54 of the Bombay Co-operative Societies Amendment Act, 1923, hereinafter called the said Act, after the words of section 54 of Bom. VII of 1925. "of the society" where they occur for the second and third times, the words "past or present," shall be inserted.

3. In section 59 of the said Act, in sub-section (1) for the Amendment portion beginning with the words "be executed" and ending of section 59 of Bom. VII of 1925. with the brackets and letter "(b)" the following shall be substituted, namely :—

"(a) on a certificate signed by the Registrar or a liquidator, be deemed to be a decree of a Civil Court and shall be executed in the same manner as a decree of such Court ; or

(b) be executed".

4. After section 59-A of the said Act, the following new Insertion of new section 59-B in Bom. VII of 1925. section shall be inserted, namely :—

"59-B. (1) Notwithstanding anything contained in Recovery sections 54 and 59, on an application made by a land of moneys mortgage bank for the recovery of arrears of any sum due to land mortgage advanced by it to any of its members and on its furnishing bank. a statement of accounts in respect of the arrears, the Registrar may, after making such enquiries as he deems fit, grant a certificate for the recovery of the amount stated therein to be due as arrears.

(2) A certificate granted by the Registrar under sub-section (1) shall be final and conclusive. The arrears

¹ For Statement see *Bombay Government Gazette*, 1943, Part IV, p. 279.

² See *Bombay Code Vol. V*, p. 177.

stated to be due therein shall be recoverable according to the law for the time being in force for the recovery of land revenue.

(3) It shall be lawful for the Collector to take precautionary measures authorised by sections 140 to 144 of the Bombay Land Revenue Code, 1879, until the arrears ^{Bom. V} due to the land mortgage bank together with interest and ^{of 1879.} any incidental charges incurred in the recovery of such arrears are paid or security for payment of such arrears is furnished to the satisfaction of the Registrar.

Explanation.—For the purposes of this section a land mortgage bank means the Bombay Provincial Co-operative Land Mortgage Bank or any other co-operative land mortgage bank which is registered under this Act and is a member of that bank.”

BOMBAY ACT No. XVII OF 1943¹.

[THE BOMBAY OPTIONS IN COTTON PROHIBITION
(AMENDMENT) ACT, 1943.]

[21st January 1944.]

An Act to amend the Bombay Options in Cotton Prohibition Act, 1939².

Bom.
XXV of
1939.

WHEREAS it is expedient to amend the Bombay Options in Cotton Prohibition Act, 1939, for purposes hereinafter appearing ;

26 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the said powers the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the Bombay Options in Cotton Prohibition (Amendment) Act, 1943. Short title.

Bom.
XXV of
1939.

2. In section 3 of the Bombay Options in Cotton Prohibition Act, 1939, after sub-section (2) the following new sub-section shall be inserted, namely :—

“(3) The by-laws, or any addition to or variation or rescission of by-laws, made under sub-section (1) may provide for the regulation and control of transactions entered into previously to and subsisting at the date of the making of the by-law, addition, variation or rescission, and all rights and obligations in respect of the said transactions shall be determined accordingly”.

¹ For Statement see *Bombay Government Gazette*, 1944, Part IV, p. 10.

² See 2nd Supplement to Bombay Code, p. 151.

BOMBAY ACT No. XVIII OF 1943¹.

[THE BOMBAY PUBLIC CONVEYANCES (AMENDMENT)
ACT, 1943.]

[21st January 1944.]

An Act to amend the Bombay Public Conveyances Act, 1920².

Bom.
VII of
1920.

WHEREAS it is expedient to amend the Bombay Public Conveyances Act, 1920, for the purpose hereinafter appearing ;

26 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the said powers the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the Bombay Public Conveyances Short title. (Amendment) Act, 1943.

Bom. VII
of 1920.

2. For clause (b) of section 2 of the Bombay Public Conveyances Act, 1920, the following shall be substituted namely :—

Amendment
of section 2
of Bom. VII
of 1920.

IV of
1939.

“(b) ‘public conveyance’ means any wheeled vehicle, drawn or propelled on roads and used for the purposes of plying for hire for the conveyance of persons or goods but does not include a motor vehicle as defined in the Motor Vehicles Act, 1939, or a vehicle running upon fixed rails ;”

¹ For Statement see *Bombay Government Gazette*, 1944, Part IV, p. 12.

² See Bombay Code Vol. IV, p. 371.

THE INDIAN TARIFF (BOMBAY APPLICATION) REGULATION, 1943.

CONTENTS.

PREAMBLE.**Sections.**

1. Short title, application and commencement.
2. Application of Act XXXII of 1934 as amended from time to time, and validation of duty levied and collected.

BOMBAY REGULATION NO. I OF 1943.

[THE INDIAN TARIFF (BOMBAY APPLICATION)
REGULATION. 1943.]

[2nd December 1943.]

A Regulation to validate the levy of certain duties recovered in certain partially excluded areas and to apply the Indian Tariff Act, 1934¹, as amended from time to time to those areas.

XXXII
of 1934.

WHEREAS the Indian Tariff Act, 1934, is in force in the partially excluded areas in the Dahanu Taluka and the Umbergaon Petha in the Thana District in the Province of Bombay but the subsequent Central Acts amending it were not applied to the said areas under sub-section (i) of section 92 of the Government of India Act, 1935 ;

AND WHEREAS from the 31st March 1937 duties have been levied in those areas in accordance with that Act as from time to time amended by subsequent Central Acts ;

AND WHEREAS it is expedient to validate the levy and collection of duties made as aforesaid, and to apply the Indian Tariff Act, 1934, as so amended to the said areas ;

26 Geo. 5,
Ch. 2.

NOW, THEREFORE, in exercise of the powers conferred by sub-section (2) of section 92 of the Government of India Act, 1935, the Governor of Bombay is pleased to make the following Regulation, namely :—

1. (1) This Regulation may be called the Indian Tariff Short title,
application
and com-
mencement. (Bombay Application) Regulation, 1943.

(2) It applies to the partially excluded areas in the Dahanu Taluka and the Umbergaon Petha in the Thana District (hereinafter referred to as "the said areas").

(3) It shall come into force at once.

2. The Indian Tariff Act, 1934, shall be deemed always Application
of Act
XXXII
of 1934 as
amended
from time
to time, and
validation of
duty levied
and collected. to have had effect in the said areas subject, at any particular time, to the same amendments as it was generally subject to in British India at that time, and all notifications issued under the said Act shall be deemed always to have been operative in the said areas as they have been generally operative in British India ; and no duty levied and collected at any time within the said areas shall be deemed to have been invalidly levied and collected by reason only of the fact that at the time of such levy and collection any particular amendment of the said Act had not been applied to the said areas or any notification issued under the said Act was not operative therein.

¹ Central Acts, Vol. IX.

BOMBAY ACT No. I OF 1944.¹[THE BOMBAY LEGISLATURE MEMBERS (REMOVAL OF
DISQUALIFICATIONS) (AMENDMENT) ACT, 1944.]

[3rd March 1944.]

An Act to amend the Bombay Legislature Members (Removal
of Disqualifications) Act, 1937.²Bom.
I of
1937.

WHEREAS it is expedient to amend the Bombay Legislature Members (Removal of Disqualifications) Act, 1937, for the purpose hereinafter appearing ;

26 Geo. 5,
ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the Bombay Legislature Short title .
Members (Removal of Disqualifications) (Amendment) Act,
1944.

Bom.
I of
1937.

2. After section 3 of the Bombay Legislature Members Insertion of
(Removal of Disqualifications) Act, 1937, the following new new sec-
section shall be inserted, namely :— tion 4 in
Bom. I of
1937.

“ 4. A person shall never be deemed to have been and Prevention
shall not be disqualified for election as or continuance as of dis-
a member of the Bombay Legislative Assembly or the qualification.
Bombay Legislative Council by reason only that he holds
or accepts any office in the service of the Crown in India
certified by the Government of Bombay to be an office
created for a purpose connected with the prosecution of
the war.”

¹ For Statement see *Bombay Government Gazette*, 1944, Part IV, p. 28.

² See Bombay Code, Vol. VI, p. 309.

BOMBAY ACT NO. II OF 1944.¹**[THE BOMBAY DISTRICT POLICE (AMENDMENT)
ACT, 1944.]**

[18th March 1944.]

An Act to amend the Bombay District Police Act, 1890.²Bom.
IV of
1890.

WHEREAS it is expedient to amend the Bombay District Police Act, 1890, for the purpose hereinafter appearing ;

28 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the said powers the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the Bombay District Police (Amendment) Act, 1944. Short title.

Bom.
IV of
1890.

2. After section 39A of the Bombay District Police Act, 1890, the following new section shall be inserted, namely :— Insertion of new section 39AA in Bom. IV of 1890.

“39AA. Notwithstanding anything contained in this Act, it shall be deemed to be lawful and always to have been lawful, for the Magistrate of the district under the rules made under section 39A, to prescribe and levy fees for licensing theatres and other places of public amusement, entertainment or assembly.” Power of Magistrate of the district to levy fees under rules made under section 39A.

¹ For Statement see *Bombay Government Gazette*, 1944, Part IV, p. 48.

² See *Bombay Code*, Vol. III, p. 451.

BOMBAY ACT NO. IV OF 1944.¹

[THE BOMBAY FINANCE (AMENDMENT) ACT, 1944.]

[30th March 1944.]

An Act to amend the Bombay Finance Act, 1932.²Bom.
II of
1932.

WHEREAS it is expedient to amend the Bombay Finance Act, 1932, for the purposes hereinafter appearing ;

26 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. (1) This Act may be called the Bombay Finance (Amendment) Act, 1944. Short title
and com-
mencement.

(2) It shall come into force on the 31st day of March 1944.

Bom. II of
1932.

2. In sub-section (3) of section 2 of the Bombay Finance Act, 1932 (hereinafter called the said Act), for the word "twelve" the word "thirteen" shall be substituted. Amendment
of section 2
of Bom. II of
1932.

3. (1) In section 22 of the said Act, for the figures '7½' the figure '7' and for the figures '3½' the figures '3¼' shall be substituted. Amendment
of section 22
of Bom. II
of 1932.

(2) Nothing contained in this section shall affect the liability of any person to pay the Urban Immoveable Property tax in respect of any building or land or portion thereof, for any period prior to the date of the coming into force of this Act at the rate at which it was leviable before such date.

Bom. XIV
of 1943.
Bom. XV of
1943.

4. The provisions of this Act and of the said Act shall be in addition to and not in derogation of the provisions of the Bombay Increase in Stamp Duties Act, 1943, and the Bombay Increase in Court-fees Act, 1943. Savings.

¹ For Statement see *Bombay Government Gazette*, 1944, Part IV, p. 62.

² See *Bombay Code*, Vol. VI, p. 7.

BOMBAY ACT No. V OF 1944.¹

[THE BOMBAY RENT RESTRICTION (AMENDMENT)
ACT, 1944.]

[30th March 1944.]

An Act to amend the Bombay Rent Restriction Act, 1939.²

Bom.
XVI of
1939.

WHEREAS it is expedient to amend the Bombay Rent Restriction Act, 1939, for the purpose hereinafter appearing ;

26 Geo.
5, Ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation, dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. (1) This Act may be called the Bombay Rent Restriction (Amendment) Act, 1944. Short title
and com-
mencement.

(2) It shall come into force on the 31st day of March 1944.

Bom.
XVI of
1939.

2. In sub-section (3) of section 1 of the Bombay Rent Restriction Act, 1939, for the figures "1944" the figures "1945" shall be substituted. Amendment
of section 1
of Bom. XVI
of 1939.

¹ For Statement, see *Bombay Government Gazette*, 1944, Part IV, p. 63.

² See 2nd Supplement to Bombay Code, p. 81.

**THE BOMBAY NON-URBAN LABOUR HOUSING, SANITATION AND
PROVISION SHOPS ACT, 1944.**

CONTENTS.

PREAMBLE.

Sections.

1. Short title, extent and commencement.
2. Definitions.
3. Information to be given regarding nature of employment.
4. Power to make regulations.
5. Power to order alterations in housing and sanitary arrangements, etc.
6. Controlling officer may execute work and recover cost.
7. Penalty for contravention of orders under section 5.
8. Licensing of eating-houses.
9. Cancellation of license.
10. Information to be given of cases of infectious and contagious diseases.
11. Compulsory inoculation in cases of epidemics.
12. Controlling officers to be public servants.
13. Power of controlling officer to enter and inspect places.
14. Protection to persons acting under this Act.

BOMBAY ACT No. VI OF 1944.¹

[THE BOMBAY NON-URBAN LABOUR HOUSING, SANITATION
AND PROVISION SHOPS ACT, 1944.]

[25th April 1944.]

**An Act to provide for opening of provision shops for
and regulating the housing and sanitary conditions
of non-agricultural labour in certain areas in the
Province of Bombay**

WHEREAS it is expedient to provide for the opening of provision shops for and regulating the housing and sanitary conditions of non-agricultural labour in areas outside the municipal and cantonment limits ;

And whereas the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

Now, therefore, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. (1) This Act may be called the Bombay Non-Urban Labour Housing, Sanitation and Provision Shops Act, 1944.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of the Province of Bombay excluding the municipal and cantonment areas.

(3) This section shall come into force at once and the Provincial Government may by notification in the *Official Gazette* direct that the remaining provisions of this Act shall come into force in such area and on such date as may be specified in the notification.

2. In this Act, unless there is anything repugnant in the subject or context—

Definitions.

(1) "controlling officer" means an officer appointed as such for any area by the Provincial Government by a notification published in the *Official Gazette* ;

(2) "eating-house" means any premises to which the public are admitted and where any kind of food or drink is prepared or supplied for consumption on the premises for the profit or gain of any person owning or having an interest in or managing such premises ;

(3) "employer" means a person employing whether by daily or monthly wages on piece-work or otherwise at any one time not less than such number of labourers as the Provincial Government may from time to time fix by notification in the *Official Gazette* on work other than agricultural work :

¹ For Statement see *Bombay Government Gazette*, 1944, Part IV, pp. 97 and 98.

Explanation.—For the purposes of this definition—

(a) work connected with the cultivation of sugar-cane or the preparation of *gur* or sugar from sugar-cane shall not be deemed to be agricultural work ; and

(b) labourers employed by a sub-contractor shall be deemed to be employed by the contractor ;

(4) “ quarters ” includes—

(a) a building, house, outhouse, stable, shed, hut or other structure, whether permanent or temporary, and whether of masonry, brick, wood, mud or any other material whatever ; and

(b) any place used for residence, temporary or permanent, by any person or for the tethering or herding of any animals, even though no structural protection is provided ; and

(5) “ infectious or contagious disease ” means a disease specified as such by the Provincial Government by notification in the *Official Gazette*.

Information
to be given
regarding
nature of
employment.

3. (1) Every employer shall, as soon as possible and not later than a week from the date the work was started or, where the work has started before the commencement of this Act, within a week of the coming into force of this Act in the area in which the work is carried on, supply to the controlling officer information regarding—

(a) the nature of the work in which labourers are employed by him, and

(b) the number of such labourers.

(2) If any person contravenes the provisions of sub-section (1) he shall be punishable with fine which may extend to fifty rupees.

Power to
make regula-
tions.

4. (1) The Provincial Government may, from time to time in respect of any area or any employer, make such regulations as appear to it to be necessary or expedient for regulating the housing and sanitary conditions of and opening provision shops for non-agricultural labour.

(2) Without prejudice to the generality of the foregoing provision, regulations may be made for all or any of the following matters, namely :—

(a) the provision of plinths for and adequate ventilation and lighting in quarters ;

(b) the provision of adequate open space around quarters ;

(c) the prevention of overcrowding in quarters ;

(d) the prescription of adequate floor area per person in quarter ;

(e) the provision of proper drainage and sanitary conveniences ; maintenance of sanitary staff ;

(f) the provision of an adequate and wholesome supply of water for all employed labour ;

- (g) the provision of grain and grocery shops ;
- (h) the prevention of the use or fouling of any source of water, and the disinfection thereof ;
- (i) the provision of medical aid and first aid attention ;
- (j) the provision of lighting ;
- (k) segregation of persons suspected to be suffering from an infectious or contagious disease.

5. (1) When in the opinion of the controlling officer, the housing or sanitation arrangements in respect of any labourers do not comply with any regulation made under section 4, he may serve an order on any employer requiring him to make such alterations in the said arrangements, or to comply with such conditions or to take such action, and within such time as may in the controlling officer's opinion be necessary to ensure compliance with the regulation.

Power to order alterations in housing and sanitary arrangements, etc.

(2) Every such order shall be served on an employer—

- (a) personally by delivering or tendering it to him, or
- (b) through an agent by delivering or tendering it to him, or
- (c) by post, under a certificate of posting ;

For the purpose of clause (c) service of an order shall be deemed to have been effected at the time at which it would be delivered in the ordinary course of post.

(3) An employer aggrieved by any order made under subsection (1) may appeal to the Collector within seven days from the date of the service of the order on him :

Provided that no appeal shall lie in any case where the controlling officer certifies at the time of making the order that delay in complying with the order will be seriously prejudicial to public health.

(4) The Collector may in any case suspend the execution of any order pending decision of the appeal, subject to such conditions as to partial compliance with the order or the adoption of temporary measures as he may deem fit to impose.

(5) Every order passed by the Collector in appeal shall be final.

6. Where under any order made under section 5 an employer is required to carry out any work and the employer makes a default in carrying it out within the time specified in the order then, without prejudice to any other proceedings which may be taken in respect of the contravention of the order, the controlling officer may cause the said work to be carried out and the cost thereof shall be recoverable from the employer as an arrear of land revenue.

Controlling officer may execute work and recover cost.

7. If any person fails to comply with any order made under section 5 he shall be punishable with fine which may extend to a hundred rupees and in the case of a continuing offence with additional fine which may extend to fifty rupees for every day after the first during which the offence continues.

Penalty for contravention of orders under section 5.

Licensing of
eating-
houses.

8. (1) No person shall keep an eating-house without a license granted by the controlling officer.

(2) Every such license shall specify the period for which, and conditions subject to which, it is granted.

(3) The Provincial Government may, by general or special order—

(a) prohibit the grant of such licenses in any area or any such license to any person ;

(b) direct that such licenses shall be granted to any persons specified in the order ;

(c) prescribe the procedure to be followed before granting the licenses ;

(d) prescribe the period for which and the conditions subject to which the licenses shall be granted ; and

(e) issue such other instructions in any matter pertaining to the grant or otherwise of the licenses as the Provincial Government may deem proper.

(4) If any person contravenes the provisions of sub-section (1), he shall be punishable with fine which may extend to a hundred rupees for the first offence and to five hundred rupees for a subsequent offence.

Cancellation
of license.

9. (1) The controlling officer may, after recording his reasons by order in writing, cancel any license granted under section 8 for a breach of any of its conditions.

(2) The order shall be served on the holder of the license in the manner provided in sub-section (2) of section 5 for service of an order on an employer.

(3) A holder of a license aggrieved by an order made under sub-section (1) may appeal to the Collector within three days from the date the order is served on him. Every order passed by the Collector in appeal shall be final.

Information
to be given
of cases of
infectious
and contagi-
ous diseases.

10. (1) When any person in an eating-house is suffering from any infectious or contagious disease, the keeper of the eating-house, or in his absence from the eating-house the manager of the eating-house, shall as soon as possible inform the controlling officer accordingly.

(2) The controlling officer on receipt of information under sub-section (1) shall take the necessary steps for the segregation of such person.

(3) If any person contravenes the provisions of sub-section (1), he shall be punishable with fine which may extend to fifty rupees.

Compulsory
inoculation
in cases of
epidemics.

11. (1) When in any area there is an outbreak of epidemic disease the Provincial Government may issue a notification to that effect in the *Official Gazette* and during the period the notification is in force, the controlling officer may by order require that no employer in the said area shall retain in his employment any person if that person or any of the members of his household is not inoculated, vaccinated or revaccinated against the disease within twelve days of the date

of the order made by the controlling officer or within twelve days from the date of employment of such person whichever is later.

(2) If any person fails to comply with any order made under sub-section (1), he shall be punishable with fine which may extend to fifty rupees and in the case of a continuing offence with an additional fine which may extend to twenty-five rupees for every day after the first during which the offence continues.

12. All controlling officers shall be deemed to be public servants within the meaning of the Indian Penal Code.

Controlling officers to be public servants.

13. The controlling officer or a person authorised by him in writing in this behalf may enter and inspect any place within his jurisdiction for the purpose of verifying whether the provisions of this Act and of the regulations and orders issued thereunder are being complied with.

Power of controlling officer to enter and inspect places.

14. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Protection to persons acting under this Act.

**THE BOMBAY RENTS, HOTEL RATES AND LODGING HOUSE RATES
(CONTROL) ACT, 1944.**

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BOMBAY ACT No. VII OF 1944¹.

[THE BOMBAY RENTS, HOTEL RATES AND LODGING HOUSE
RATES (CONTROL) ACT, 1944.]

[12th May 1944.]

Amended by

Number of Act	Year
Bom. Act No. XV	1944

An Act to regulate the supply of accommodation whether residential or non-residential, furnished or unfurnished and with or without board, in certain areas in the Province of Bombay.

WHEREAS it is expedient to regulate the supply of accommodation whether residential or non-residential, furnished or unfurnished and with or without board, in certain areas in the Province of Bombay ; and in particular to provide for controlling the rents or rates chargeable for such supply of accommodation and for preventing in certain cases eviction from the accommodation supplied ; and for this purpose to enact with certain modifications the provisions contained in the Bombay Rent Restriction Order, 1942, the Bombay Storage Accommodation Rent Restriction Order, 1942, and the Hotels and Lodging Houses Control Order, 1942 ;

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

Now, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

PART I.

Preliminary.

1. This Act may be called the Bombay Rents, Hotel Short title, Rates and Lodging House Rates (Control) Act, 1944.

2. (1) Part II shall be deemed to have come into operation Commence-
in the areas specified in column 1 of Schedule A from the ment and
dates specified in column 2 of Schedule A : application.

Provided that in its application in respect of the periods specified in column 1 of Schedule B, it shall be read subject to the modifications specified in column 2 of Schedule B.

(2) Part III shall be deemed to have come into operation in the City of Bombay on the 1st day of May 1942 :

¹ For Statement see *Bombay Government Gazette*, 1944, Part IV, p. 119.

Provided that in its application in respect of the periods specified in column 1 of Schedule C, it shall be read subject to the modifications specified in column 2 of Schedule C.

(3) Part IV shall be deemed to have come into operation in the areas specified in column 1 of Schedule D on the dates specified in column 2 of Schedule D.

(4) For the avoidance of doubt it is hereby declared that the retrospective operation of Parts II, III and IV provided for in this section shall also extend to all proceedings pending at the date of publication of this Act either in the court of first instance or in a court of appeal.

(5) Part II, Part III or Part IV, or any one or more of them, shall come into operation in such other area where it has not come into operation and on such date as the Provincial Government may by notification in the *Official Gazette* direct.

PART II.

Residential and other premises.

Application of the Part.

3. The provisions of this Part shall apply—

(a) to premises the standard rent of which exceeds Rs. 80 per mensem in areas to which the Bombay Rent Restriction Act, 1939, is applicable, and

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(b) to all premises in other areas.

Definitions.

4. In this Part, unless there is anything repugnant in the subject or context—

(1) "Controller" means the person appointed as such by the Government of Bombay for the purposes of this Part ;

(2) "landlord" means any person for the time being entitled to receive rent in respect of any premises whether on his own account or on account or on behalf or for the benefit of any other person or as a trustee, guardian or receiver for any other person. It includes a tenant who sub-lets any premises and every person from time to time deriving title under a landlord ;

(3) "premises" means in the City of Bombay, Poona City Municipal area, Poona Suburban Municipal area, Poona Cantonment area and the Aundh Road area under the jurisdiction of the Bapodi Gram Panchayat near Kirkee, Poona, any building or part of a building let for any purpose other than storage of goods and elsewhere any building or part of a building let for the purpose of residence and includes—

(a) the garden, grounds and out-houses, if any, appurtenant to such building or part of a building, and

(b) any furniture supplied by the landlord for use in such building or part of a building ;

(4) "standard rent" in relation to any premises means—

(a) the rent at which the premises were let on the first day of September 1940, or

(b) where they were not let on the first day of September 1940, the rent at which they were last let before that date, or

(c) where they are first let after the first day of September 1940, the rent at which they are first let, or

(d) in any of the cases specified in section 13 the rent fixed by the Controller ;

(5) "tenant" means any person by whom or on whose account rent is payable for any premises, and includes every person from time to time deriving title under a tenant.

5. Subject to the provisions of this Part, where the rent of any premises is increased, whether before or after the 22nd April 1942 above the standard rent, the amount by which the rent payable exceeds the amount which would have been payable, had the increase not been made, shall, notwithstanding any agreement to the contrary, be irrecoverable : Restriction on raising rent.

Provided that nothing in this section shall apply—

(a) to any rent which accrued due before the 22nd April 1942 ;

(b) to any rent which accrued due after the 22nd April 1942 but before the 15th February 1943 in respect of premises the standard rent of which exceeds Rs. 250 per mensem ;

(c) to any rent which accrued due after the 22nd April 1942 but before the 16th June 1943 in respect of premises in the City of Bombay let for any purpose other than residence ;

(d) to any rent which accrued due after the 22nd April 1942 but before 21st July 1943 in respect of premises in the Poona City Municipal area, Poona Suburban Municipal area, Poona Cantonment area and the Aundh Road area under the jurisdiction of the Bapodi Gram Panchayat near Kirkee, Poona, let for any purpose other than residence ;

(e) to any periodical increment of rent accruing due under any agreement entered into before the first day of September 1940 ; and

(f) to rent payable under any lease entered into before the first day of September 1940, which has not expired on the said date.

6. (1) Where, as the result of any alteration in the terms of the tenancy, the terms on which any premises are held are on the whole less favourable to the tenant than the previous terms, the rent shall be deemed to be increased for the purposes of this Part, whether the sum payable as rent is increased or not. Cases where rent to be deemed and not to be deemed to be increased.

(2) Where, as the result of any alteration of the terms of the tenancy, the terms on which any premises are held are not on the whole less favourable to the tenant than

the previous terms, the rent shall not be deemed to be increased for the purposes of this Part, whether the sum payable as rent is increased or not.

Increase of
rent on
account of
payment
of rate
excepted.

7. Where a landlord pays any municipal rate, cess or tax in respect of any premises, any increase of the rent thereof shall not be deemed to be an increase for the purposes of section 5 if the amount of the increase does not exceed any increase in the amount for the time being payable by the landlord in respect of such rate, cess or tax over the amount paid in the period of assessment which included the first day of September 1940.

Fine or
premium not
to be charged
for grant,
renewal or
continuance
of tenancy.

8. (1) No landlord shall in consideration of the grant, renewal or continuance of a tenancy of any premises require the payment of any fine, premium or any other like sum in addition to the rent.

(2) Where any such payment has been made the amount shall be recoverable by the tenant by whom it was made from the landlord, and may, without prejudice to any other method of recovery, be deducted from any rent payable by him to the landlord.

(3) Nothing in this section shall apply to any payment under any agreement entered into before the first day of September 1940.

(4) Any landlord who receives directly or through an agent any fine, premium or other like sum in addition to rent in contravention of sub-section (1) shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

No eject-
ment
ordinarily
to be made
if rent paid
at allowable
rate.

9. (1) The landlord shall not be entitled to the recovery of possession of any premises so long as the tenant pays, or is ready and willing to pay, rent to the full extent allowable by this Part and performs the other conditions of the tenancy :

Provided that nothing in this section shall apply where the landlord has obtained a certificate from the Controller certifying that the tenant has committed any act contrary to the provisions of clause (o) or clause (p) of section 108 of the Transfer of Property Act, 1882, or has been guilty of IV of conduct which is a nuisance or an annoyance to any adjoining 1882. or neighbouring occupiers or that the rent charged to a sub-tenant is in excess of the standard rent, or that the premises are reasonably and *bona fide* required by the landlord either for his own occupation or for the occupation of any person for whose benefit the premises are held or for any other cause which may be deemed satisfactory by the Controller.

(2) Where an order for the recovery of possession has been made in favour of a landlord on or after the 6th day of April 1944 but not executed before the date of publication of this Act, the Court by which the order was made may, if it is of opinion that the order would not have been made if this Part had been in operation at the date of the making

of the order, rescind or vary the order in such manner as the Court may think fit for the purpose of giving effect to this Part.

10. Notwithstanding anything to the contrary in any Sub-letting law for the time being in force, a tenant may sub-let any portion of his premises to a sub-tenant, provided he forthwith intimates in writing to his landlord the fact of his having so sub-let the premises and also the rent at which they have been sub-let.

11. (1) When any certificate for the recovery of possession of any premises has been obtained under the proviso to sub-section (1) of section 9, on the ground that the premises are reasonably and *bona fide* required by the landlord either for his own occupation or for the occupation of any person for whose benefit the premises are held and the premises are not occupied by the landlord or the aforesaid person within fifteen days of the date when possession has been obtained or are re-let within three months of the said date to any person other than the original tenant, the Controller may, on an application of the original tenant made within six months of such date direct the landlord to place him in occupation of the premises on the original terms and conditions. The Controller may take or cause to be taken such steps and use or cause to be used such force as may in his opinion be reasonably necessary for securing compliance with or for preventing or rectifying any contravention of any direction given under this sub-section and for the avoidance of doubt it is hereby declared that the power to take steps under this sub-section includes the power to enter upon the property.

Consequences of non-user or non-occupation of premises of which possession has been restored to land lord.

(2) If in the opinion of the Controller a certificate has been obtained under the proviso to sub-section (1) of section 9 even though the premises were not reasonably and *bona fide* required by the landlord for the aforesaid purposes, the Controller may direct the landlord to pay the tenant such compensation as the Controller may think fit. The Controller may recover as an arrear of land revenue any amount payable but not paid by the landlord as directed in this sub-section, and the Controller shall be deemed to be a public officer within the meaning of section 5 of the Revenue Recovery Act, 1890.

12. (1) Where any sum has been paid on account of rent, being a sum which is by reason of the provisions of this Part irrecoverable, such sum shall, at any time within a period of six months after the date of the payment, be recoverable by the tenant by whom it was paid from the landlord who received the payment or his legal representative, and may, without prejudice to any other method of recovery, be deducted from any rent payable within the said period by the tenant to the landlord.

Rent which should not have been paid may be recovered.

(2) In this section the expression "legal representative" has the same meaning as in the Code of Civil Procedure,

1908, and includes also, in the case of joint family property V the joint family of which the deceased person was a member. 1908.

Controller may determine standard rent in certain cases.

13. In any of the following cases the Controller may fix the standard rent at such amount as, having regard to the provisions of this Part, and the circumstances of the case, he deems just—

(a) where, any premises are first let after the first day of September 1940 and the rent at which they are first let is in the opinion of the Controller excessive ;

(b) where, by reason of any premises having been let at one time as a whole and at another time in parts, or by reason of a tenant having sub-let a part of any premises let to him, or for any other reason, any difficulty arises in giving effect to this Part ; or

(c) where, in the case of any premises let furnished, it is necessary to distinguish, for the purpose of giving effect to this Part, the amount payable as rent from the amount payable as hire of furniture.

Appeal.

14. (1) Any person aggrieved by an order passed by the Controller, under the provisions of this Part [including an order granting a certificate under the proviso to sub-section (1) of section 9] may, within fifteen days from the date on which the order is communicated to him, present an appeal in writing to the Collector.

(2) The Collector shall then call for the record of the Controller and after examining the record and after making such further inquiry as he thinks fit, either personally or through the Controller, shall decide the appeal.

(3) The decision of the Collector, and subject only to such decision, the order of the Controller shall, for the purposes of this Part, be final ; and no Civil Court shall have jurisdiction to settle, decide or deal with any question which is by or under this Part required to be settled, decided or dealt with by the Controller and Collector.

Validation of appointments and acts.

15. (1) Every person from time to time appointed "Controller" under the Bombay Rent Restriction Order, 1942, shall be deemed to have been so appointed under and for the purposes of this Part.

(2) Every order passed or act done by such Controller or by the Collector acting or purporting to act in the exercise of the powers under the said Order shall be deemed to have been passed or done under this Part.

PART III.

Storage Accommodation.

Application of the Part.

16. The provisions of this Part shall apply—

(a) to premises used or intended to be used for the storage of goods and for ancillary purposes and the standard

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rent of which exceeds Rs. 80 per mensem in areas to which the Bombay Rent Restriction Act, 1939, is applicable. and

(b) to all premises used or intended to be used for the storage of goods and for ancillary purposes in other areas.

17. In this Part, unless there is anything repugnant in the subject or context—

(1) "Controller" means the person appointed as such by the Government of Bombay for the purposes of this Part ;

(2) "landlord" means any person for the time being entitled to receive rent in respect of any premises whether on his own account or on account or on behalf or for the benefit of any other person or as a trustee, guardian or receiver for any other person. It includes a tenant who sub-lets any premises and every person from time to time deriving title under a landlord ;

(3) "premises" means any building or part of a building let or intended to be let for the purpose of storage of goods and includes—

(a) the grounds and out-houses, if any, appurtenant to such building or part of a building, and

(b) any furniture or equipment supplied by the landlord for use in such building or part of a building ;

(4) "rent" includes payment for hire of storage accommodation whether calculated with reference to floor area or cubic contents of the space hired, or with reference to specific goods or packages stored or in any other way whatsoever ;

(5) "standard rent" in relation to any premises means—

(a) the rent at which the premises were let on the first day of September 1940, or

(b) where they were not let on the first day of September 1940, the rent at which they were last let before that date, or

(c) where they are first let after the first day of September 1940, the rent at which they are first let, or

(d) in any of the cases specified in section 25 the rent fixed by the Controller ;

(6) "tenant" means any person by whom or on whose account rent is payable for any premises, and includes every person from time to time deriving title under a tenant.

18. (1) Subject to the provisions of this Part, where the rent of any premises is increased, whether before or after the 1st May 1942 above the standard rent, the amount by which the rent payable exceeds the amount which would have been payable had the increase not been made, shall, notwithstanding any agreement to the contrary, be irrecoverable : Restriction on raising rent.

Provided that nothing in this section shall apply—

(a) to any rent which accrued due before the 1st May 1942,

(b) to any periodical increment of rent accruing due under any agreement entered into before the first day of September 1940, and

(c) to rent payable under any lease entered into before the first day of September 1940, which has not expired on the said date.

(2) For the purposes of this section the rent shall be deemed to have accrued from day to day.

Cases where rent to be deemed and not to be deemed to be increased.

19. (1) Where, as the result of any alteration in the terms of the tenancy, the terms on which any premises are held are on the whole less favourable to the tenant than the previous terms, the rent shall be deemed to be increased for the purposes of this Part, whether the sum payable as rent is increased or not.

(2) Where, as the result of any alteration of the terms of the tenancy, the terms on which any premises are held are not on the whole less favourable to the tenant than the previous terms, the rent shall not be deemed to be increased for the purposes of this Part, whether the sum payable as rent is increased or not.

Increase of rent on account of payment of rate excepted.

20. Where a landlord pays any municipal rate, cess or tax in respect of any premises, any increase of the rent thereof shall not be deemed to be an increase for the purposes of section 18, if the amount of the increase does not exceed any increase in the amount for the time being payable by the landlord in respect of such rate, cess or tax over the amount paid in the period of assessment which included the first day of September 1940.

Fine or premium not to be charged for grant, renewal or continuance of tenancy.

21. (1) No landlord shall in consideration of the grant, renewal or continuance of a tenancy of any premises require the payment of any fine, premium or any other like sum in addition to the rent.

(2) Where any such payment has been made after the 1st May 1942, the amount shall be recoverable by the tenant by whom it was made from the landlord, and may, without prejudice to any other method of recovery, be deducted from any rent payable by him to the landlord.

(3) Nothing in this section shall apply to any payment under any agreement entered into before the first day of September 1940.

(4) Any landlord who receives directly or through an agent any fine, premium or other like sum in addition to rent in contravention of sub-section (1) shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

22. (1) The landlord shall not be entitled to the recovery of possession of any premises so long as the tenant pays, or is ready and willing to pay, rent to the full extent allowable by this Part and performs the other conditions of the tenancy :

No ejectment
ordinarily
to be made
if rent paid
at allow-
able rate.

Provided that nothing in this section shall apply where the landlord has obtained a certificate from the Controller certifying that the tenant has committed any act contrary to the provisions of clause (o) or clause (p) of section 108 of the Transfer of Property Act, 1882, or has been guilty of conduct which is a nuisance or an annoyance to any adjoining or neighbouring occupiers, or that the premises are reasonably and *bona fide* required by the landlord either for his own occupation or for the occupation of any person for whose benefit the premises are held or for any other cause which may be deemed satisfactory by the Controller.

(2) Where an order for the recovery of possession has been made in favour of a landlord on or after the 6th day of April 1944 but not executed before the date of publication of this Act, the Court by which the order was made may, if it is of opinion that the order would not have been made if this Part had been in operation at the date of the making of the order, rescind or vary the order in such manner as the Court may think fit for the purpose of giving effect to this Part.

23. (1) When any certificate for the recovery of possession of any premises has been obtained under the proviso to sub-section (1) of section 22, on the ground that the premises are reasonably and *bona fide* required by the landlord either for his own occupation or for the occupation of any person for whose benefit the premises are held and the premises are not occupied by the aforesaid person within fifteen days of the date when possession has been obtained or are re-let within three months of the said date to any person other than the original tenant, the Controller may, on an application of the original tenant made within six months of such date, direct the landlord to place him in occupation of the premises on the original terms and conditions. The Controller may take or cause to be taken such steps and use or cause to be used such force as may in his opinion be reasonably necessary for securing compliance with or for preventing or rectifying any contravention of any direction given under this sub-section and for the avoidance of doubt it is hereby declared that the power to take steps under this sub-section includes the power to enter upon the property.

Consequences
of non-user
or non-
occupation
of premises
of which
possession
has been
restored to
landlord.

(2) If in the opinion of the Controller a certificate has been obtained under the proviso to sub-section (1) of section 22 even though the premises were not reasonably and *bona fide* required by the landlord for the aforesaid purposes, the Controller may direct the landlord to pay the tenant such compensation as the Controller may think fit. The Controller may recover as an arrear of land revenue any amount payable but not paid by the landlord as directed in this sub-section,

and the Controller shall be deemed to be a public officer within the meaning of section 5 of the Revenue Recovery Act, 1890. I of 1890

rent which
should not
have been
paid may be
recovered.

24. (1) Where any sum has been paid on account of rent, being a sum which is by reason of the provisions of this Part irrecoverable, such sum shall, at any time within a period of six months after the date of the payment, be recoverable by the tenant by whom it was paid from the landlord who received the payment or his legal representative, and may, without prejudice to any other method of recovery, be deducted from any rent payable within the said period by the tenant to the landlord.

(2) In this section the expression "legal representative" has the same meaning as in the Code of Civil Procedure, V of 1903, and includes also, in the case of joint family property, the joint family of which the deceased person was a member. 1908.

Controller
may deter-
mine
standard
rent in
certain
cases.

25. In any of the following cases the Controller may fix the standard rent at such amount as, having regard to the provisions of this Part, and the circumstances of the case, he deems just—

(a) where, any premises are first let after the first day of September 1940 and rent at which they are first let is in the opinion of the Controller excessive ;

(b) where, by reason of any premises having been let at one time as a whole and at another time in parts, or by reason of a tenant having sub-let a part of any premises let to him, or for any other reason, any difficulty arises in giving effect to this Part ; or

(c) where, in the case of any premises let with furniture or equipment it is necessary to distinguish, for the purpose of giving effect to this Part, the amount payable as rent from the amount payable as hire of furniture or equipment.

Appeal.

26. (1) Any person aggrieved by an order passed by the Controller under the provisions of this Part (including an order granting a certificate under the proviso to sub-section (1) of section 22) may, within fifteen days from the date on which the order is communicated to him, present an appeal in writing to the Collector.

(2) The Collector shall then call for the record of the Controller and after examining the record and after making such further inquiry as he thinks fit, either personally or through the Controller, shall decide the appeal.

(3) The decision of the Collector, and subject only to such decision, the order of the Controller shall for the purposes of this Part be final ; and no Civil Court shall have jurisdiction to settle, decide or deal with any question which is by or under this Part required to be settled, decided or dealt with by the Controller and Collector.

Validation of
appointments
and acts.

27. (1) Every person from time to time appointed "Controller" under the Bombay Storage Accommodation Rent Restriction Order, 1942, shall be deemed to have been appointed under and for the purposes of this Part.

(2) Every order passed or act done by such Controller or by the Collector acting or purporting to act in the exercise of the powers under the said Order shall be deemed to have been passed or done under this Part.

PART IV.

Hotels and Lodging Houses.

28. In this Part, unless there is anything repugnant in Definition, the subject or context—

(1) "Controller" means a person appointed as such by the Government of Bombay for the purposes of this Part ;

(2) "manager of an hotel" includes any person in charge of the management of an hotel ;

(3) "owner of a lodging house" includes the person who receives or is entitled to receive, whether on his own account, or on behalf of himself and others, or as an agent or trustee, payment from a lodger on account of board, lodging or any other service.

29. (1) When, on a written complaint or otherwise, the Controller has reason to believe that the charges made for board, lodging or any other service provided in any hotel or lodging house within the local limits to which this Part applies are excessive, he shall hold a summary inquiry and record a finding.

(2) For the purposes of an inquiry under sub-section (1), the Controller may require the manager of an hotel or the owner of a lodging house to produce before the Controller any book of account, document, or other information relating to the hotel or lodging house concerned which he may consider necessary, and may authorise any person subordinate to him to enter upon any premises to which the inquiry relates.

30. If, on a consideration of all the circumstances of the case, including any amount paid or to be paid by any lodger in the hotel or lodging house by way of premium or any other like sum in addition to the charges, the Controller finds that the charges are excessive, he shall determine the fair rate to be charged for board, lodging and any other service provided in the hotel or lodging house.

31. In determining the fair rate under section 30, the Controller shall have due regard to the prevailing rates of charges for the same or similar accommodation, board and service during the twelve months immediately preceding the 1st September 1940 and to any general increase in the cost of living after that date.

32. (1) When the Controller has determined the fair rate of charges—

(a) the manager of the hotel, or owner of the lodging house, as the case may be, shall not charge any amount in excess of such fair rate ;

(b) any agreement for the payment of any charges in excess of such fair rate shall be void in respect of such excess and shall be construed as if it were an agreement for payment of the said fair rate ;

(c) any sum in excess of such fair rate paid in respect of board, lodging or service provided after the 16th May 1942 shall be refunded to the lodger or at the option of the lodger otherwise adjusted.

(2) Nothing in sub-section (1) shall debar the Controller, in determining the fair rate of charges, from directing that his order shall have effect from a specified date being a date after the 16th May 1942, and that the manager of the hotel or owner of the lodging house, as the case may be, shall not be liable to refund any sum paid in excess of such fair rate before that date.

Notice of
fair rate
to be
displayed.

33. Where under section 30 the Controller has determined the fair rate, he shall direct that a notice of the fair rate shall be displayed in a conspicuous manner in the hotel or lodging house concerned and in the accommodation to which the fair rate appertains.

Prevention
of un-
reasonable
eviction.

34. (1) A lodger in respect of whose accommodation a complaint has been made under section 29 or an order has been made under section 30 shall be entitled to retain possession of the accommodation provided he pays charges according to the fair rate determined under section 33 and performs the other conditions of his agreement.

(2) Nothing in sub-section (1) shall apply where the manager of an hotel or owner of a lodging house has obtained a certificate from the Controller, certifying that—

(a) the lodger has been guilty of conduct which is a nuisance or an annoyance to any adjoining or neighbouring occupiers ; or

(b) the accommodation is reasonably and *bona fide* required by the owner of the hotel or the lodging house, as the case may be, either for his own occupation or for the occupation of any person for whose benefit the accommodation is held, or for any other cause which may be deemed satisfactory by the Controller.

(3) Where an order for the recovery of possession has been made in favour of a manager of an hotel or owner of a lodging house on or after the 6th day of April 1944, but not executed before the date of publication of this Act, the Court by which the order was made may, if it is of opinion that the order would not have been made if this Part had been in operation at the date of the making of the order, rescind or vary the order in such manner as the Court may think fit for the purpose of giving effect to this Part.

Penalty.

34A. Any manager of an hotel or owner of a lodging house—

(i) who fails or refuses to produce before the Controller any book of account, document or other information which

¹ This section was inserted by Bom. 15 of 1944, s. 2.

the Controller may require him to produce under sub-section (2) of section 29 or refuses to allow the Controller or any person authorised by him under the said sub-section access to the premises to which an inquiry under sub-section (1) of section 29 relates, or

(ii) who charges any amount in excess of the fair rate in contravention of sub-section (1) of section 32, or

(iii) who fails to display a notice of the fair rate in contravention of the Controller's direction under section 33,

shall be punishable with imprisonment which may extend to three years or with fine or with both.

35. (1) Any person aggrieved by an order of the Controller Appeal may, within fifteen days from the date on which the order is communicated to him, present an appeal in writing to the Collector.

(2) The Collector shall then call for the record of the Controller, and, after examining the record and after making such further inquiry as he thinks fit, either personally or through the Controller, shall decide the appeal.

(3) The decision of the Collector, and subject only to such decision, the order of the Controller, shall for purposes of this Part be final, and no Civil Court shall have jurisdiction to settle, decide or deal with any question which is by or under this Part required to be settled, decided or dealt with by the Controller and Collector.

36. Notwithstanding anything contained in this Part, Collector's the Collector may exempt any hotel or lodging house, or any power to exempt class of hotels or lodging houses from the provisions of this any lodging Part, and vary or cancel such exemption. houses.

37. (1) Every person from time to time appointed Validation of appointments and "Controller" under the Bombay Hotels and Lodging Houses Control Order, 1942, shall be deemed to have been acts, appointed under and for the purposes of this Part.

(2) Every order passed or act done by such Controller or by the Collector acting or purporting to act in the exercise of the powers under the said Order shall be deemed to have been passed or done under this Part.

PART V.

Miscellaneous.

38. The Controller or the Collector may, review any order Review- passed by him under any Part of this Act, and the provisions of Order 47 in the First Schedule to the Code of Civil Procedure, 1908, shall as far as may be apply to such review.

39. The Provincial Government may by a notification Power to make rules. in the Official Gazette make rules for the purpose of carrying out the provisions of this Act.

SCHEDULE A.

Area. 1	Date. 2
City of Bombay ..	22nd April 1942.
Poona City Municipal area, Poona	13th June 1942.
Suburban Municipal area and Ahmedabad Municipal area.	
Ahmedabad Cantonment area ..	20th July 1942.
Poona Cantonment area ..	27th November 1942.
Aundh Road area which is under the jurisdiction of the Bapodi Gram Panchayat near Kirkee, Poona.	16th April 1943.
Municipal areas in the Bombay Suburban District.	21st April 1943.
The rest of the Bombay Suburban District.	12th October 1943.

SCHEDULE B.

Period. 1	Modifications. 2
1. (i) 22nd April 1942 to 19th July 1942, both inclusive.	For section 3 <i>substitute</i> the following :— “ 3. The provisions of this Part shall apply to premises the standard rent of which exceeds rupees eighty per month but does not exceed rupees two hundred and fifty per month. ”
(ii) 20th July 1942 to 14th February 1943, both inclusive.	For section 3 <i>substitute</i> the following :— “ 3. The provisions of this Part shall apply— (a) to premises the standard rent of which exceeds Rs. 80 per mensem but does not exceed Rs. 250 in areas to which the Bombay Rent Restriction Act, 1932, is applicable, and (b) to premises the standard rent of which does not exceed Rs. 250 per mensem in other areas. ”

Bom.
XVI
of
1939.

SCHEDULE B—*contd.*

Period. 1	Modifications. 2
2. (i) 22nd April 1942 to 15th June 1943, both inclusive.	In clause (3) of section 4, <i>delete</i> the words "in the City of Bombay, Poona City Municipal area, Poona Suburban Municipal area, Poona Cantonment area, and the Aundh Road area under the jurisdiction of the Bapodi Gram Panchayat near Kirkee, Poona, any building or part of a building let for any purpose others than storage of goods and elsewhere."
(ii) 16th June 1943 to 20th July 1943, both inclusive.	In clause (3) of section 4, <i>delete</i> the words "Poona City Municipal area; Poona Suburban Municipal area, Poona Cantonment area and the Aundh Road area under the jurisdiction of the Bapodi Gram Panchayat near Kirkee, Poona."
3. (i) 22nd April 1942 to 14th February 1943, both inclusive.	In the proviso to section 5, <i>delete</i> clauses (b), (c) and (d).
(ii) 15th February 1943 to 15th June 1943, both inclusive.	In the proviso to section 5, <i>delete</i> clauses (c) and (d).
(iii) 16th June 1943 to 20th July 1943, both inclusive.	In the proviso to section 5, <i>delete</i> clause (d).
4. 22nd April 1942 to the date of publication of this Act.	In section 8, <i>delete</i> sub-section (4).
5. 13th September 1943 to 3rd January 1944, both inclusive.	To section 9, <i>add</i> the following:—" <i>Explanation.</i> —The fact that a tenant has after 13th September 1943 sub-let the premises without the written permission of his landlord shall, notwithstanding anything contained in any law for the time being in force, be deemed to be a satisfactory cause within the meaning of the proviso to this section."
6. 22nd April 1942 to 3rd January 1944, both inclusive.	<i>Delete</i> section 10.

SCHEDULE C.

Period. 1	Modifications. 2
1. 1st May 1942 to 5th September 1943. both inclusive.	For section 16. <i>substitute</i> the following :— “ 16. The provisions of this Part shall apply to premises used or intended to be used for the storage of goods and for ancillary purposes. ”
2. 1st May 1942 to the date of publication of this Act.	In section 21, <i>delete</i> sub-section (4).
3. 1st May 1942 to 2nd July 1942 both inclusive.	<i>Delete</i> section 22.
4. 1st May 1942 to 2nd July 1942, both inclusive.	<i>Delete</i> section 23.

SCHEDULE D.

Area. 1	Date. 2
City of Bombay and the limits of the Lonavala Municipal Borough including the Khandala area.	16th May 1942.
Poona City and Poona Suburban Municipal Boroughs and Dhond Municipal district.	9th June 1942.
Poona and Kirkee Cantonnments.	7th July 1942.

THE BOMBAY GROWTH OF FOODCROPS ACT, 1944.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.
3. Powers to prescribe maintenance of existing proportion of growing food-crops.
4. Power to prescribe maximum proportion of non-food-crops and minimum proportion of foodcrops to be grown.
5. Power to prohibit growing of non-food-crops in successive years.
6. Power to rescind or amend orders.
- 6A. Power of Provincial Government to amend Schedules.
7. Power to exempt.
8. Effect of orders inconsistent with contracts to the contrary.
9. Fixation and guarantee of prices of foodcrops.
10. Reduction of revenue or irrigation dues and rent.
- 10A. Determination of rent.
11. Penalty.
12. Delegation of powers.
13. Power to make rules.

BOMBAY ACT No. VIII OF 1944¹.

[THE BOMBAY GROWTH OF FOODCROPS ACT, 1944.]

[20th May 1944.]

Amended by—

Number of Act	Year
Bom. Act No. XVI	1944.

An Act to provide for regulating the cultivation of crops with a view to growing more foodcrops in the Province of Bombay.

WHEREAS it is expedient to provide for regulating the cultivation of crops with a view to growing more foodcrops in the Province of Bombay ;

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

28 Geo. 5,
Ch. 2.

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. (1) This Act may be called the Bombay Growth of Foodcrops Act, 1944.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of the Province of Bombay, but shall come into force in any area thereof only on such date as the Provincial Government may by notification in the Official Gazette appoint in this behalf for that area ²[save as follows, namely, section 10A shall take effect only in such area, and from such date as the Provincial Government may, by like notification, specify in this behalf.]

2. In this Act, unless there is anything repugnant in the subject or context—

(1) “cultivator” means a person who is actually in possession of agricultural land whether as an occupant, tenant or otherwise and includes a company and a joint family or a group of persons in joint actual possession ;

(2) “cultivator’s holding” means the aggregate of all lands in the actual possession of a cultivator ;

(3) “scheduled foodcrop” means a crop specified in Schedule I ;

(4) “scheduled non-foodcrop” means a crop specified in Schedule II ;

(5) Words and expressions used in this Act but not defined shall have the same meaning as in the Bombay Land Revenue Code, 1879.

Bom. V
of 1879.

¹ For Statement see *Bombay Government Gazette*, 1944, Part IV, p. 125.

² These words, figures and letter were added by Bom. 16 of 1944, s. 2.

Powers to
prescribe
maintenance
of existing
proportion
of growing
foodcrops.

3. The Provincial Government may by an order published in the Official Gazette and in such other manner as it may consider expedient direct that in any specified area every cultivator shall grow scheduled foodcrops in such area of his holding in the twelve months immediately following the date of the order as bears to the total area of his holding a proportion not less than that which the area of such crops grown by him in the twelve months previous to the date of the order bore to the total area of his then holding.

Provided that where a cultivator had no holding in the twelve months previous to the date of the order or where information regarding the area of the scheduled foodcrops grown in a cultivator's holding during the said twelve months is not available, the proportion for the purposes of this section shall be deemed to be such as may be fixed in the order.

Explanation.—Where a scheduled foodcrop is grown as a mixed crop with any crop other than a scheduled foodcrop, the area under such scheduled foodcrop shall, for the purposes of this section, be deemed to be not more than $\frac{1}{4}$, or such other proportion as may be fixed in this behalf by the Provincial Government either generally or in relation to any particular area or any particular mixed crop by notification published in the *Official Gazette* and in such other manner as it may consider expedient, whichever is greater,] of the total area under such mixed crop.

Power to
prescribe
maximum
proportion of
non-food-
crops and
minimum
proportion of
foodcrops to
be grown.

4. If the Provincial Government is satisfied that it is necessary in the interests of the Province to increase the production of scheduled foodcrops in any local area, it may by an order published in the Official Gazette and in such other manner as it may consider expedient—

(a) prescribe the minimum proportion of the cultivator's holding in which scheduled foodcrops shall be grown after the date of the order in any cultivator's holding in that area during the twelve months immediately following the date of the order ;

(b) prescribe the proportion in excess of which scheduled non-foodcrops shall not be grown after the date of the order in any cultivator's holding in that area during the twelve months immediately following the date of the order.

Explanation.—Where a scheduled foodcrops is grown as a mixed crop with any crop other than a scheduled foodcrop, the area under such scheduled foodcrop shall, for the purposes of this section, be deemed to be not more than $\frac{1}{4}$, or such other proportion as may be fixed in this behalf by the Provincial Government either generally or in relation to any particular area or any particular mixed crop by notification published in the *Official Gazette* and in such other manner as it may consider expedient, whichever is greater,] of the total area under such mixed crop.

¹ These figures and words were substituted for the figures " $\frac{1}{4}$ " by Bom. 16 of 1944, s. 3.

5. The Provincial Government may by an order published in the Official Gazette and in such other manner as it may consider expedient direct that in any area specified in the order scheduled non-foodcrops shall not be grown after the date of the order in that part of a cultivator's holding in which they were grown in the previous twelve months.

Power to prohibit growing of non-food-crops in successive years.

6. The Provincial Government may add to, amend, vary or rescind any order issued under sections 3, 4 or 5 if in its opinion the circumstances of a season or any other reasons make this desirable.

Power to rescind or amend orders.

¹[6A. The Provincial Government may, by notification in the Official Gazette, direct additions to or omissions from the list of crops specified in Schedule I or Schedule II either generally or with reference to any particular area specified in any such notification, and the Schedule shall on the issue of the notification be deemed to be amended accordingly.]

Power of Provincial Government to amend Schedules.

7. The Provincial Government may wholly or partially exempt any cultivator's holding or class of such holdings from any or all the provisions of this Act or any order made thereunder.

Power to exempt.

8. An order issued under section 3, 4, 5 or 6 shall have effect notwithstanding any contract to the contrary between the cultivator and any other person interested in the agricultural land affected by such order.

Effect of orders inconsistent with contracts to the contrary.

9. The Provincial Government shall, by an order published in the Official Gazette and in such other manner as it may consider expedient, fix and guarantee prices for all cereal foodcrops grown in any cultivator's holding in each of the areas in respect of which an order under section 3 or 4 is issued.

Fixation and guarantee of prices of foodcrops.

10. (1) The Provincial Government may remit any part of land revenue or irrigation dues if in its opinion it is necessary to do so in respect of any area to which an order under section 4 applies.

Reduction of revenue or irrigation dues and rent.

(2) Whenever remission is granted in any area under sub-section (1), rents payable by a cultivator to his superior holder in such area shall be adjusted in accordance with section 84-A of the Bombay Land Revenue, Code, 1879.

Bom. V
of 1879.

²[10A. (1) In the areas where this section takes effect under the provisions of sub-section (2) of section 1, it shall be lawful for a tenant who is compelled to grow scheduled foodcrops on any land by the operation of an order under section 4 to apply in writing to the Mamlatdar within whose jurisdiction the land is situated for determination of the rent to be paid by him in respect of the land; and thereupon notwithstanding anything contained in any law for

Determination of rent.

¹ This section was inserted by Bom. 16 of 1944, s. 4.

² This section was inserted. *Ibid*, s. 5.

the time being in force (including the Bombay Small Holders Relief Act, 1938, the Bombay Tenancy Act, 1939, and the Bombay Land Improvements Schemes Act, 1942) or any usage or agreement or decree or order of a Court of law, the rent payable by the tenant in respect of the land on which scheduled foodcrops are compulsorily grown shall be the rent determined under this section. The application shall be made in such form as may be prescribed by rules and shall be filed before the end of the tenancy year terminating on the 31st March.

Bom.
VIII
of 1938.
Bom.
XXIX
of 1939.
Bom.
XXVIII
of 1942.

(2) On receipt of an application under sub-section (1) the Mamlatdar shall give notice to the landlord and after holding a formal inquiry in the manner provided in the Bombay Land Revenue Code, 1879, shall determine the rent of the land.

Bom. V
of 1879.

(3) Any party aggrieved by the decision of the Mamlatdar under sub-section (2) may, within one month from such decision, file an appeal before the Assistant or Deputy Collector in charge of the taluka in which the land is situated.

(4) The Assistant or Deputy Collector in appeal may for reasons to be recorded in writing annul, reverse, modify or confirm the decision of the Mamlatdar or he may direct further inquiry to be made on any point or take additional evidence as he may think necessary.

(5) The following factors shall be taken into consideration in determining the rent :—

- (i) the rental values of similar lands used for purposes of growing scheduled foodcrops in the locality ;
- (ii) the prices of scheduled foodcrops in the locality ;
- (iii) improvements, if any, made in the land by the landlord during the tenancy year ;
- (iv) assessment payable in respect of the land ; and
- (v) such other factors as may be prescribed by rules.

(6) The Mamlatdar and the Assistant or Deputy Collector in proceedings under this section shall have the same powers as are vested in Courts in respect of the following matters under the Code of Civil Procedure, 1908, in trying a suit, namely :—

V of
1908.

- (i) proof of fact: by affidavit ;
- (ii) summoning and enforcing the attendance of any person and examining him on oath ; and
- (iii) compelling the production of documents.

The Mamlatdar and the Assistant or Deputy Collector may have also such other powers as may be prescribed by rules.

(7) The Mamlatdar or the Assistant or Deputy Collector may award costs in any proceedings under this section and such costs, together with the cost of execution, shall be recoverable from the party ordered to pay them as an arrear of land revenue.

(8) Every order passed by the Mamlatdar under this Act, if not appealed against, and every order passed by the Assistant or Deputy Collector in appeal, shall hold good only in respect of the tenancy year concerned and shall not be called in question in any Court.

(9) Notwithstanding anything contained in the Court-fees Act, 1870, every application under this section to the Mamlatdar and every appeal to the Assistant or Deputy Collector shall bear a court-fee stamp of such value as may be prescribed by rules. VII of 1870.

(10) Any party to proceedings under this section may appear by any person authorised in writing to act on his behalf.

Explanation.—For the purpose of this section, the word “Mamlatdar” includes a Mahalkari and any other officer appointed by the Commissioner to perform the duties of a Mamlatdar in respect of any area under this section 2.]

11. (1) If any cultivator contravenes an order made under sections 3, 4, 5 or 6, he shall be punishable with fine which may extend to fifty rupees in relation to every acre or less of land in respect of which the order is contravened. Penalty.

Explanation.—If the cultivator is a company or a joint family, the principal officer of such company or the *karta* of the joint family, as the case may be, shall be deemed to be the cultivator.

(2) Any Court trying such contravention may direct that any crop not being a scheduled foodcrop in respect of which the Court is satisfied that the order has been contravened shall be forfeited to His Majesty or, if the crop has been disposed of, such sum as may be equivalent to the fair value of the crop as may be determined by the Court shall be recovered as an arrear of land revenue.

12. The powers conferred on the Provincial Government under this Act may, subject to such restrictions and conditions as it may impose, be delegated by it in whole or in part to the Commissioners or Collectors. Delegation of powers.

13. (1) The Provincial Government may by notification in the Official Gazette make rules for carrying out the provisions of this Act. Power to make rules.

(2) The rules made under this section shall be made after previous publication.

SCHEDULE I.

Food Grains—

- | | |
|----------------------------------|------------|
| 1. Rice. | 7. Kodra. |
| 2. Wheat. | 8. Barley. |
| 3. Jowar : (a) Kharif, (b) Rabi. | 9. Sama. |
| 4. Bajri. | 10. Rala. |
| 5. Ragi. | 11. Vari. |
| 6. Maize. | |

Pulses—

- | | |
|------------|-------------|
| 1. Gram. | 7. Wal. |
| 2. Tur. | 8. Chavli. |
| 3. Pavata. | 9. Kulthi. |
| 4. Mug. | 10. Peas. |
| 5. Math. | 11. Lentil. |
| 6. Udid. | 12. Lang. |

SCHEDULE II.

- | | |
|------------|-------------|
| 1. Cotton. | 2. Tobacco. |
|------------|-------------|

BOMBAY ACT No. X OF 1944.¹

[THE MUSSALMAN WAKF, BOMBAY PUBLIC TRUSTS REGISTRATION AND PARSİ PUBLIC TRUSTS REGISTRATION (AMENDMENT) ACT, 1944.]

[15th July 1944.]

An Act to amend the Mussalman Wakf Act, 1923,² in its application to the Province of Bombay, the Bombay Public Trusts Registration Act, 1935, and the Parsi Public Trusts Registration Act, 1936.⁴

WHEREAS it is expedient to amend the Mussalman Wakf Act, 1923, in its application to the Province of Bombay, the Bombay Public Trusts Registration Act, 1935, and the Parsi Public Trusts Registration Act, 1936, for the purposes hereinafter appearing ;

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

Now, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the Mussalman Wakf, Bombay Public Trusts Registration and Parsi Public Trusts Registration (Amendment) Act, 1944. Short title.

2. In section 6Q of the Mussalman Wakf Act, 1923, in its application to the Province of Bombay, after the words "Official Gazette and", the words "If the Provincial Government so directs" shall be inserted. Amendment of section 6Q of Act XLII of 1923.

3. In section 18 of the Bombay Public Trusts Registration Act, 1935, after the words "Official Gazette and", the words "if the Provincial Government so directs" shall be inserted. Amendment of section 18 of Bom. XXV of 1935.

4. In section 19 of the Parsi Public Trusts Registration Act, 1936, after the words "Official Gazette and", the words "if the Provincial Government so directs" shall be inserted. Amendment of section 19 of Bom. XXIII of 1936.

26 Geo. 5,
Ch. 2.

XLII of
1923.

Bom.
XXV of
1935.

Bom.
XXIII
of 1936.

¹ For Statement see *Bombay Government Gazette*, 1944, Part IV, p. 154.

² Central Acts, Vol. VII.

³ See Bombay Code, Vol. VI, p. 229.

⁴ See Bombay Code, Vol. VI, p. 295.

BOMBAY ACT No. XI OF 1944.¹

[THE BOMBAY UNIVERSITY (AMENDMENT) ACT, 1944.]

[5th August 1944.]

An Act to amend the Bombay University Act, 1928.²Bom.
IV of
1928.

WHEREAS it is expedient to amend the Bombay University Act, 1928, for the purposes hereinafter appearing ;

26 Geo. 5
Ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the Bombay University Short title. (Amendment) Act, 1944.

Bom.
IV of
1928.

2. For sub-section (2) of section 20 of the Bombay University Act, 1928, hereinafter called "the said Act" the following sub-section shall be substituted, namely :—

Amendment
of section 20
of Bom. IV
of 1928.

"(2) Every member of the Syndicate shall, save as otherwise provided in section 48-A, hold office for three years :

Provided that a member elected under clause (d) or (e) of sub-section (1) shall cease to hold office as such member if he ceases to be a member of the Academic Council or the Senate, as the case may be."

3. After section 48 of the said Act, the following new section shall be inserted, namely :—

Insertion of
new section
48-A, in Bom.
IV of 1928.

"48-A. When any vacancy occurs in the office of a Fellow or member of any authority of the University before the expiry of the term of office of such Fellow or member, the vacancy shall be filled up as soon as conveniently may be by the election, nomination or appointment, as the case may be, of a Fellow or member who shall hold office so long only as the Fellow or member in whose place he has been elected, nominated or appointed would have held it, if the vacancy had not occurred :

Casual
vacancies.

Provided that notwithstanding anything contained in section 13, if the vacancy be of a Fellow and occurs

¹ For Statement see *Bombay Government Gazette*, 1944, Part IV, pp. 178 and 179.

² See Bombay Code, Vol. V, p. 339.

within six months preceding the date on which the term of office of the Fellow expires the vacancy shall not be filled, if the Fellow be an elected Fellow "

Transitory
provision.

4. Notwithstanding anything contained in the said Act, every Fellow other than the Fellows elected by the Bombay Legislative Assembly and every member of any authority of the University holding office on the date on which this Act comes into force, shall cease to hold office on such date as the Vice-Chancellor may appoint. .

THE BOMBAY IRRIGATED CROP REGULATION ACT, 1944.

CONTENTS.

PREAMBLE.**Sections.**

1. Short title, extent and commencement.
2. Definitions.
3. Commissioner to direct preparation of scheme.
4. Details of scheme.
5. Commissioner to sanction scheme.
6. Publication and effect of scheme.
7. Notice to execute scheme.
8. Obligation on owners to comply with notice and penalty for failure.
9. Power to vary scheme.
10. Right of entry.
11. Delegation of powers by Commissioner.
12. Protection of persons acting in good faith.
13. Rules.

Schedule.

BOMBAY ACT No. XII OF 1944.¹

[THE BOMBAY IRRIGATED CROP REGULATION ACT, 1944.]

[25th August 1944.]

An Act to provide for the maximum cultivation of, and the maximum use of water in, lands under command of Irrigation works in the Province of Bombay and for increased cultivation of food crops in such lands.

WHEREAS it is expedient to provide for the maximum cultivation of, and the maximum use of water in, lands under command of irrigation works in the Province of Bombay and in particular for the increased cultivation of food crops in such lands;

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act:—

1. (1) This Act may be called the Bombay Irrigated Crop Regulation Act, 1944. Short title, extent and commencement.

(2) It extends to the whole of the Province of Bombay.

(3) It shall come into force in such area and on such date as the Provincial Government may, by notification in the *Official Gazette*, direct.

2. In this Act, unless there is anything repugnant in the subject or context— Definitions.

(1) "irrigation work" means a canal as defined in the Bombay Irrigation Act, 1879, in respect of the use of water from which a rate is leviable under the said Act;

(2) "land under command" means land referred to in clause (iii) of sub-section (1) of section 4;

(3) "owner" includes an owner in severalty, in common or joint, a holder and a tenant as defined in the Bombay Land Revenue Code, 1879, a privileged occupant as defined in the Khoti Settlement Act, 1880, a tenant who is deemed to be a protected tenant under section 3 of the Bombay Tenancy Act, 1939, and a mortgagee in possession;

(4) "prescribed" means prescribed by rules made under this Act;

(5) "Scheduled crop" means a crop specified in the Schedule annexed to this Act;

(6) the words and expressions used in this Act, but not defined, shall have the meaning assigned to them in the Bombay Irrigation Act, 1879.

Bom.
VII of
1879.

Bom. V of
1879.
Bom. I of
1880.
Bom.
XXIX
of 1939.

Bom. VII
of 1879.

¹ For Statement see *Bombay Government Gazette*, 1944, Part IV, p. 189.

Commissioner to direct preparation of scheme.

3. Whenever it appears to the Commissioner that it is necessary to provide for the maximum cultivation of any areas irrigable by means of water from any irrigation work, or for the maximum use of water or increased cultivation of food crops in such areas, he may direct a Canal Officer or any other officer whom he may appoint in this behalf to prepare a scheme for being enforced over such period as the Commissioner fixes in this behalf.

Details of scheme.

4. (1) On a direction being given under section 3, the officer directed under the said section shall prepare and submit to the Commissioner a scheme containing the following particulars, namely :—

(i) The period during which the scheme shall be in force.

(ii) The name of the irrigation work.

(iii) Details of the area and land under command, that is to say, survey numbers which are irrigable during the period of the scheme by means of water from the irrigation work.

(iv) Names of the owners of the land under command.

(v) The latest date before which water shall begin to be taken from the irrigation work.

(vi) Details of the survey numbers out of the land under command in which crops other than the scheduled crops may be grown.

(vii) The latest date before which the scheduled crops shall be sown in the land under command excluding the survey numbers referred to in clause (vi).

(viii) Such other particulars as may be prescribed.

(2) The decision of the officer preparing the scheme under sub-section (1) as to whether any survey number is land under command of the irrigation work for the duration of the scheme shall, subject to any orders which may be passed by the Commissioner in any particular case, be final.

Commissioner to sanction scheme.

5. The Commissioner may, if he approves of the scheme submitted to him under section 4, sanction it with or without such modifications as he may deem fit.

Publication and effect of scheme.

6. (1) The scheme sanctioned by the Commissioner under section 5 shall be published in the villages concerned and at the headquarters of the taluka or mahal within the limits of which the lands included in the scheme are situate.

(2) On and from the date on which the scheme is published under sub-section (1), irrigation and cultivation of all lands under command shall be carried out in accordance with the scheme for the period during which the scheme is in force.

Notice to execute scheme.

7. After the scheme has been published under section 6 the officer who prepared it shall give a general notice in the prescribed manner to all the owners of the lands included therein—

(a) specifying the survey numbers which are decided as comprising the land under command of the irrigation work specified in the scheme ;

Bom.
VII of
1879.

(b) directing them to begin to take water before the date appointed therefor under section 4 for irrigating the lands under command from the said irrigation work in accordance with the procedure laid down in the Bombay Irrigation Act, 1879, and the rules made thereunder ;

(c) specifying the survey numbers out of the land under command in which crops other than the scheduled crops may be grown ; and

(d) directing them to sow the scheduled crops in the survey numbers out of the land under command not specified under clause (c) before the date appointed therefor under section 4.

8. (1) After a notice under section 7 is given all owners of lands under command shall comply with the directions given in the said notice. Obligation on owners to comply with notice and penalty for failure.

(2) If any owner of land under command, in contravention of the directions given in the said notice, fails to begin to take water for irrigation of such land from the irrigation work specified in the scheme before the date appointed therefor under section 4, or fails to sow the scheduled crops in the appropriate survey numbers before the date appointed therefor under section 4, he shall, on conviction, be punished with forfeiture of all or any part of his land included in the said scheme together with standing crops, if any.

(3) The Commissioner may restore the forfeited lands—

(a) when they cease to be included in any scheme made under this Act, or

(b) if the defaulting owner gives an undertaking to cultivate the lands in accordance with the scheme in force at any time.

on such terms and conditions as the Commissioner may determine.

9. (1) If after a scheme has been published under section 6, the Commissioner considers that any further variation thereof is necessary he may make such variation. Power to vary scheme.

(2) Any such variation made by the Commissioner shall be published in the manner laid down in section 6 and from the date of such publication the variation shall take effect as if it were incorporated in the scheme.

10. For the purpose of preparing, sanctioning or carrying out any scheme, any person authorised by the Commissioner may enter upon, survey and mark out such land and do all acts necessary for such purpose. Right of entry.

11. The Commissioner may delegate any of the powers conferred on him under this Act to the Collector. Delegation of powers by Commissioner.

12. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act. Protection of persons acting in good faith.

13. (1) The Provincial Government may by notification published in the *Official Gazette* make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for the following matters, namely :—

(i) the other particulars to be prescribed under clause (viii) of sub-section (1) of section 4 ;

(ii) the manner of giving notice under section 7.

(3) The power to make rules under this section shall be subject to the condition of previous publication.

Schedule.

English name.	Vernacular names.		
	Marathi.	Gujarati.	Kannada.
A. KHARIF.			
(a) Cereals.			
Great Millet ..	.. Jowar or Jondhala.	Jowar	.. Jola.
Spiked Millet ..	.. Bajri	.. Bajra	.. Shejji.
Maize ..	.. Maka	.. Makai	.. Goinjola.
Finger Millet ..	.. Nagli or Nachni.	.. Bavte	.. Ragi.
Italian Millet ..	.. Rala	.. Kang	.. Navni.
Kodra Millet ..	.. Hareek	.. Kodra	.. Hareek.
Paddy ..	.. Bhat	.. Dangar	.. Bhatta.
	Vari	Moriu	Baragu.
(b) Pulses.			
Pigeon Pea ..	.. Tur	.. Tuer	.. Togari.
Green Gram ..	.. Mug	Mug	.. Hesaru.
Kidney Beans ..	.. Matki	Math	.. Madaki.
Black gram ..	.. Udid	.. Adad	.. Uddu.
Indian Bean ..	.. Wal	.. Wal	.. Aware.
Cow peas ..	.. Chavli	.. Chola	.. Alsandi.
Horse gram ..	.. Kulthi	.. Kulthi	.. Burali.
(c) Vegetables.			
Vegetables of all kinds.			
(d) Fodders.			
Great Millet ..	.. Jowar	.. Jowar	.. Jola.
Maize ..	.. Maka	.. Makai	.. Goinjola.
Lucerne ..	.. Lusanghas	Rajko	.. ....
(e) Other Crops.			
Ohillies ..	.. Mirchi.	.. Marcha	Mensinkai.
B. RABI.			
(a) Cereals.			
Great Millet ..	.. Jowar	Jowar	.. Jola.
Paddy ..	.. Bhat	.. Bhat	.. Bhatta.
Wheat ..	.. Gahu	.. Gehu	.. Godi.
Maize ..	.. Maka	.. Makai	.. Goinjola.
Barley ..	.. Java	.. Java	.. Javegod.
Spiked millet ..	.. Bajari	.. Bajra	.. Shejji.

Schedule—contd.

English name.	Vernacular names.		
	Marathi.	Gujarati.	Kannada.

B. RABI—contd.

(b) *Pulses.*

Pigeon Pea	..	.. Tur	.. Tuer	.. Togari.
Pea	..	.. Vatana	.. Vatana	.. Batgadli.
Gram	..	.. Harbara	.. Chana	.. Kadli.
Beans	..	.. Wal	.. Wal	.. Avari.
Lentil	..	.. Masur	.. masur	.. Channangi.
Chikling Ketch	..	.. Lakh	.. Lang	....

(c) *Vegetables.*

Vegetables of all kinds.

(d) *Fodders.*

Great Millet Jowar	.. Jowar	.. Jola.
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(e) *Other Crops.*

Onion Kanda	Dungli	.. Ullagaddi.
Oats Tokegodhi.

**THE CITY OF BOMBAY MUNICIPAL (POST-WAR RECONSTRUCTION
FUND) ACT, 1944.**

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Definitions.
3. Creation of post-war reconstruction fund.
4. Estimate of moneys for crediting to the post-war reconstruction fund.
5. Section 125A of Bom. III of 1888 not to apply to estimate under section 4.
6. Preparation of budget estimate by standing committee.
7. Provisions of sections 127, 128 and 129 of principal Act to apply to budget estimate prepared under section 6.
8. Section 130 of principal Act not to apply to budget estimate under section 6.
9. Expenditure out of post-war reconstruction fund.
10. Variation in exercise of powers under sections 126 and 129 of principal Act.
11. Expenditure out of post-war reconstruction fund before termination of war.
12. Duration of Act.

BOMBAY ACT No. XIII OF 1944.¹

[THE CITY OF BOMBAY MUNICIPAL (POST-WAR
RECONSTRUCTION FUND) ACT, 1944.] .

[8th November 1944.]

**An Act to supplement temporarily certain provisions of the
City of Bombay Municipal Act, 1888, for the purpose of
creating a post-war reconstruction fund.**

Bom.
III of
1888.

WHEREAS it is expedient to supplement temporarily certain provisions of the City of Bombay Municipal Act, 1888, for the purpose of creating a post-war reconstruction fund ;

26 Geo.
5. ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation, dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the City of Bombay Municipal Short title.
(Post-War Reconstruction Fund) Act, 1944.

2. In this Act—

Definitions.

Bom.
III of
1888.

(a) "the principal Act" means the City of Bombay Municipal Act, 1888 ;

(b) words and expressions used but not defined shall have the same meaning as in the principal Act.

3. If in the opinion of the Commissioner any expenditure for any purpose, for which the moneys from time to time credited to the municipal fund are liable to be applied under the principal Act, ought to be postponed until after the termination of the war, the Commissioner may under the provisions of this Act, cause moneys for such expenditure to be credited from time to time to a separate fund called the post-war reconstruction fund. Creation of post-war reconstruction fund.

4. Notwithstanding anything contained in section 125 of the principal Act, the Commissioner may, when preparing an estimate under clause (a) and a statement of proposals under clause (d), of sub-section (1) of section 125 of the principal Act, also prepare and lay before the standing committee— Estimate of moneys for crediting to the post-war reconstruction fund.

(a) an estimate of the moneys which should in his opinion be credited to the post-war reconstruction fund in the next ensuing official year ;

(b) a statement of proposals for raising additional moneys and for utilising moneys out of the municipal fund for credit to the post-war reconstruction fund.

¹ For Statement see *Bombay Government Gazette*, 1944, Part IV, p. 229.

Section 125A of Bom. III of 1888 not to apply to estimate under section 4.

5. Section 125A of the principal Act shall not apply to the estimate prepared by the Commissioner under section 4.

Preparation of budget estimate by standing committee.

6. The standing committee shall, when considering the estimates and proposals under section 126 of the principal Act, consider also the estimate and proposals prepared by the Commissioner under section 4 and shall frame a budget estimate of the moneys intended for credit to the post-war reconstruction fund. Such budget estimate shall be deemed to be supplementary to and part of the budget estimate 'A' framed under sub-section (1) of section 126 and notwithstanding anything contained in sub-section (2) of the said section the standing committee shall, in such budget estimate, allow for an appropriation to the post-war reconstruction fund of the sum estimated, under section 4, revised as they shall think proper.

Provisions of sections 127, 128 and 129 of principal Act to apply to budget estimate prepared under section 6.

7. The provisions of sections 127, 128 and 129 of the principal Act shall, as the case may be, apply to the budget estimate prepared by the standing committee under section 6.

Section 130 of principal Act not to apply to budget estimate under section 6.

8. The provisions of section 130 of the principal Act shall not apply to the budget estimate prepared by the standing committee under section 6; but the moneys provided by such budget estimate after it is finally adopted by the corporation shall be credited to the post-war reconstruction fund under major heads of account corresponding to the major heads used in accounts prepared under section 125A of the principal Act.

Expenditure out of post-war reconstruction fund.

9. Expenditure out of the post-war reconstruction fund shall be provided for and made in accordance with the provisions contained in the principal Act relating to expenditure out of the municipal fund for the next ensuing official year: provided that for the purposes of clause (b) of sub-section (1) of section 125 of the principal Act, the Commissioner shall determine whether the whole or any part of the amount at credit of the post-war reconstruction fund shall be taken into account as a balance available for expenditure at the commencement of the next ensuing official year.

Variation in exercise of powers under sections 126 and 129 of principal Act.

10. The powers under sections 126 and 129 of the principal Act may be exercised by the standing committee and the corporation, as the case may be, for the purpose of increasing or decreasing the sum intended to be appropriated out of the post-war reconstruction fund for expenditure in the next ensuing official year: provided that expenditure out of the said fund shall be made only for purposes for which expenditure has pursuant to this Act been postponed.

11. Notwithstanding anything contained in this Act Expenditure out of the post-war reconstruction fund upon out of post-war reconstruction fund before termination of war. any particular purpose may, if the corporation resolves that postponement of expenditure upon such purpose is unnecessary, be made before the termination of the war.

12. This Act shall remain in force for the purpose of Duration of crediting moneys to the post-war reconstruction fund for Act. a period of one official year, and for the purpose of expenditure out of such fund for a period of five official years, next ensuing after the official year in which the war terminates.

BOMBAY ACT No. XIV OF 1944.¹

[THE BOMBAY RENT RESTRICTION (SECOND AMENDMENT)
ACT, 1944.]

[28th November 1944.]

An Act to amend the Bombay Rent Restriction Act, 1939.²

Bom. XVI
of 1939.

WHEREAS it is expedient to amend the Bombay Rent Restriction Act, 1939, for the purpose hereinafter appearing ;

26 Geo. 5,
ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the Bombay Rent Restriction Short title.
(Second Amendment) Act, 1944.

Bom.
XVI
of 1939.

2. To section 10 of the Bombay Rent Restriction Act, Amendment
1939, the following new sub-section shall be added, of section 10
namely :— of Bom. XVI
of 1939.

“(4) Any person who receives directly or through an agent any fine, premium or other like sum in addition to the rent in contravention of sub-section (1) shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.”

¹ For Statement see *Bombay Government Gazette*, 1944, Part IV, p. 233.

² See Second Supplement to Bombay Code, p. 81.

**THE AHMEDABAD MUNICIPAL OFFICERS' ACTS VALIDATING
ACT, 1944.**

CONTENTS.

PREAMBLE.

Sections.

1. Short title.
2. Validation of acts of Ahmedabad Municipal Officers.

BOMBAY ACT NO. XVII OF 1944.

[THE AHMEDABAD MUNICIPAL OFFICERS' ACTS VALIDATING ACT, 1944.]

[13th December 1944.]

An Act to validate the acts of certain Officers of the Ahmedabad Borough Municipality.

WHEREAS, on the supersession of the Ahmedabad Borough Municipality with effect from the 22nd August 1942 to the 31st March 1944 under Government Orders in the General Department Nos. 1825, dated the 21st August 1942, the 21st January 1943 and the 16th August 1943, the Government of Bombay directed that all the powers and duties which may, by or under any law for the time being in force, be exercised or performed by or on behalf of the Ahmedabad Borough Municipality shall be exercised and performed by the person for the time being appointed by the said Government under clause (b) of sub-rule (2) of rule 38-B of the Defence of India Rules (hereinafter called the Administrator) :

AND WHEREAS the Administrator did not delegate to the Chief Officer and other officers of the said Municipality any of the powers or duties (being powers and duties which may by or under any law for the time being in force be exercised or performed by or on behalf of the said Municipality) which were conferred and imposed on or delegated to the Chief Officer and other officers before the supersession of the said Municipality ;

AND WHEREAS the Chief Officer and other officers of the said Municipality including the officers empowered by the Chief Officer in that behalf immediately before the said supersession did certain acts during the aforesaid period of supersession of the said Municipality purporting to exercise the said powers and perform the said duties ;

AND WHEREAS it is expedient that the said acts of the said Chief Officer and all other officers as aforesaid should be validated ;

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all the powers vested by or under the said Act in the Provincial Legislature ;

Now, THEREFORE, in exercise of the said powers the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the Ahmedabad Municipal Officers' Acts Validating Act, 1944.

¹ For Statement see *Bombay Government Gazette*, 1944, Part IV, p. 254.

Validation
of acts of
Ahmedabad
Municipal
Officers.

2. All such powers and duties exercised and performed by the Chief Officer and other officers of the Ahmedabad Borough Municipality during the period of supersession of the said Municipality from the 22nd August 1942 to the 31st March 1944 (both days inclusive) as immediately before the said supersession were by or under any law for the time being in force exercised and performed on behalf of the said Municipality by the said Chief Officer and other officers shall be deemed to be and always be deemed to have been validly exercised and performed ; and no acts done by the said Chief Officer and other officers shall after the commencement of this Act be deemed to be invalid or called in question on the ground only that the said powers and duties in the purported exercise of which the said acts were done were not at the time when the said acts were done lawfully vested in them or delegated to them under a rule duly framed by the Administrator ; and the said Chief Officer and other officers are now hereby indemnified and discharged from liability in respect of such acts.

THE CITY OF BOMBAY (BUILDING WORKS RESTRICTION) ACT, 1944.**CONTENTS.**

PREAMBLE.**Sections.**

1. Short title.
2. Definitions.
3. Restriction on building works in certain area without permission.
4. Delegation of power.
5. Penalty.
6. Commissioner may remove unauthorised work.
7. Expenses incurred by Commissioner may be debited to municipal fund.
8. Written permission to enure for benefit of successors in title.
9. Bar of legal proceedings.

Schedule.

BOMBAY ACT NO. XVIII OF 1944.¹

**[THE CITY OF BOMBAY (BUILDING WORKS RESTRICTION)
ACT, 1944.]**

[22nd December 1944.]

**An Act to restrict the construction, alteration and repair of
buildings in certain areas in the City of Bombay.**

WHEREAS it is expedient to restrict the construction, alteration and repair of buildings in certain areas in the City of Bombay ;

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the said powers the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the City of Bombay (Building Works Restriction) Act, 1944. Short title.

2. Unless there is anything repugnant in the subject or context, words and expressions used in this Act shall have the same meaning as in the City of Bombay Municipal Act, 1888 (hereinafter called "the principal Act"). Definition.

3. No person shall, during the period of one year from the date of commencement of this Act, do any work of erecting, re-erecting, constructing, reconstructing, adding to, altering or repairing any building, wall or other structure, or any part thereof situated in the area described in the Schedule, or laying out any private street in the said area, except under the authority of a written permission granted by the Commissioner and except in accordance with such conditions, if any, as the Commissioner may think fit to specify in the permission : Restriction on building works in certain area without permission.

Provided that the Provincial Government may by notification in the Official Gazette extend the period referred to in this section.

4. The powers conferred on the Commissioner by section 3 may be exercised, under the Commissioner's control and subject to his revision and to such conditions and limitations, if any, as he shall think fit to prescribe, by any municipal officer or servant whom the Commissioner specially empowers in writing in this behalf. Delegation of power.

5. Whoever contravenes the provisions of section 3 shall, on conviction, be punishable with imprisonment which may extend to three months or with fine which may extend to one thousand rupees or with both. Penalty.

¹ For Statement see *Bombay Government Gazette*, 1944, Part IV, p. 267.

Explanation.—If any person who is in occupation, possession, or control of any land or building fails without lawful authority or excuse in respect of such land or building to comply or to secure compliance with the provisions of section 3 or evades or attempts to evade the said provisions, he shall be deemed to have contravened the said provisions.

Commis-
sioner may
remove
unauthorised
work.

6. (1) The Commissioner may remove or cause to be removed any work done in contravention of section 3.

(2) All reasonable expenses incurred by the Commissioner in effecting any removal under sub-section (1) shall be recoverable under the principal Act as if such expenses were included in sub-section (1) of section 490 of the principal Act.

Expenses
incurred by
Commis-
sioner may
be debited to
municipal
fund.

7. Notwithstanding anything to the contrary contained in the principal Act any expenses incurred by the Commissioner in the execution or intended execution of this Act may be paid out of the municipal fund.

Written
permission to
enure for
benefit of
successors
in title.

8. The benefit of any written permission granted under section 3 shall be annexed to and shall go with the ownership of the building, wall or other structure or private street, as the case may be, in respect of which it was granted, and may be enforced by every person in whom that ownership is for the time being vested.

Bar of legal
proceedings.

9. No suit or other legal proceeding shall be instituted against the Corporation or the Commissioner or any municipal officer or servant in respect of any act in good faith done or intended to be done in pursuance of the provisions of this Act.

Schedule.

Area bounded on the South by the Northern edge of Carnac Road and Carnac Bridge, on the East by the Western edge of Frere Road, on the North by the Southern edge of Elphinstone Bridge Road and Sandhurst Road and on the West by the Eastern edge of Mohomadally Road.

BOMBAY ACT NO. XX OF 1944.¹

**[THE BOMBAY MUNICIPAL BOROUGHS (AMENDMENT)
ACT, 1944.]**

[30th December 1944.]

An Act to amend the Bombay Municipal Boroughs Act, 1925.²

Bom.
XVIII
of 1925.

WHEREAS it is expedient to amend the Bombay Municipal Boroughs Act, 1925, for the purpose hereinafter appearing ;

26 Geo. 5,
Ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

Now, THEREFORE, in exercise of the said powers the Governor of Bombay is pleased to make the following Act :—

1. This Act may be called the Bombay Municipal Boroughs Short title.
(Amendment) Act, 1944.

Bom.
XVIII
of 1925.

2. In sub-section (1) of section 11 of the Bombay Municipal Amendment
Boroughs Act, 1925, after the figures " 1936 " the following of section 11
shall be inserted, namely :— of Bom.
XVIII of
1925.

" and who, within the three months next preceding the last day before the preparation or revision of the list of voters upon which under the rules applications for enrolment may be received has paid all arrears of taxes, if any, due from him to the municipality. "

¹ For Statement *see* *Bombay Government Gazette*, 1944, Part IV, p. 275.

² *See* *Bombay Code*, Vol. V, p. 221.